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POLITICAL SCIENCE QUARTERLY

APPROACHES TO HISTORY I

IN the university catalogues *History* figures as part of what we commonly term the social and political sciences. To quarrel with general designations is in a sense perhaps only a scholastic entertainment; for as soon as we begin to question definitions, concepts and designations, we appear to give these concepts a certain validity as such, instead of looking upon them as having merely an instrumental significance for various types and modes of understanding in which our minds are engaged.

Broadly speaking and following our *jus loquendi*, there would appear to be a chasm between anything that claims to be a particular history and anything that claims to be a general science. A particular history is an attempt to understand a particular series of definite and concrete relationships. Such relationships have happened but once in history; whether this history deals with Caesar's relations to Catiline, or Mommsen's relation to the historical Caesar, is immaterial. Obviously there was but one Caesar and one Catiline, and one situation in which they appeared. But Caesar is not unique because he is Caesar; he is unique because he has an individual name. So is every reader of mine unique; so is any particular dog of any particular reader of mine, though written history may neglect to deal with their particular relationships. By the same *jus loquendi*, which vaguely represents certain attitudes, "Science" is a study of what things have in common, of properties that are general and not particular or individual. Science does not deal with a particular and individual bug or bush or bird, with the forma-

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tion and color and size of a particular quartz crystal in a particular granite pocket,—it deals with the general conditions of their general existence. To science therefore, as the word is ordinarily used, the individual exists only in his general aspects: the dog of science is a general dog, not somebody's particular pet.

It would seem that history, which deals with a specific relationship in a specific time, and science—social science or any other science—which disregards the specific and the uniquely individual, must carry on their particular pursuits in different realms. These different realms, however, are realms of the same mind operating with particular slants peculiar to its own particular time. The historian does not get his slants or general attitudes from his history; he introduces them into his history. They are of a general nature; and he shares them with the social sciences. The social sciences, on the other hand, take their specific material from history as "records of experience", though this "experience" is arranged or altogether manufactured in strict adherence to formulas that belong to philosophy or "science"; and thus an inner *rapprochement* is established, that makes history the very staff of life to the social sciences and makes modern history dependent upon such insight and such formulation as social science furnishes.

Manifold and complicated are the problems that history and the social sciences present for consideration, and the very technique of their handling presents great difficulties. We can deal here only with some of the more fundamental problems; and to avoid too great a complexity and confusion, let us arrange our considerations in concentric circles. The outer ones will necessarily be critical.

It is generally believed by the historian that he is not inventing nor altering documents, but is studying them "critically", deciphering the thoughts of men, recording their deeds, and laboring as faithfully in the broader field of knowledge as the recording angel in his cognate profession. And yet how fortunate it is that theology has never given to the recording angel the latitude of an historian and the privileges of a critical

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scholar! If the reputation of the recording angel has remained unimpaired, it is because his task is so simple—his task is only to record *all* facts. Had he to record but a selection of facts, his way of selecting, his attitude toward the facts, would have been a matter of grave concern and of inevitable controversy.

We do not claim any particular familiarity with the life of angels, yet we cannot help feeling that it may have been difficult for them to thrive in an atmosphere of controversy. It is so different with historians! For what is the justification for the publication of a new historical work? Its justification is that its author somewhere disagrees with his predecessors and differs in something from his contemporaries. It is this originality of the author that makes his work a contribution. But claims to originality are not likely to be left unchallenged. Originalities of an historian in anything but his grammar must after all be looked upon by fellow-historians as overt or implied criticism of their own respective viewpoints, statements, conclusions; and a flow of learned controversy is assured.

Whether we take these controversies seriously or not—*en masse*—they rather give one the impression that historical conclusions are not very convincing. It would almost seem that only complete lack of certainty could permit such an orgy of viewpoints, of conclusions, of constructions and reconstructions that daily swell the volume of a bewildering historical literature.

Even in his day Goethe looked with alarm at the ever-growing bulk of confused and confusing learning:

> *Da Labyrinthe nun das Labyrinth verwirren*
> *Was soll euch Adriadne sein!*

The situation has certainly not become simpler since Goethe's day. The vaster the literature, the greater naturally is the diversity of historical statements and conclusions—the greater is our perplexity. Ask what an historian at any given moment is doing, and he will tell you that he is rewriting history. His life is a life of incessant discovery, for no moment passes without his discovering that his predecessor has made a mistake, and his writings are in their turn a rich soil for similar discoveries by those that follow after.

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Do not the errors of the historians have some common denominator? Is there no way of understanding the peculiarities of their work without assuming that the historians are the worst of all sinners, or that they are intellectually apart, below the ordinary level of academic scholarship? The philosophers, philologists, theologians and jurists, when dealing with definite historical problems, have not proved themselves one bit better than the average historian. It is therefore not fair to single out historians and regard them as handicapped by peculiar mental difficulties. The difficulty is not with the men, but with the subject; not with historians, but with history. True enough, even history as it is can easily be justified, if we look upon it with the eyes of a philosopher. We can look upon it as progressive truth, as the truth that the times are capable of grasping. The historian is then in a sense but an intellectual representative of his own times. That, of course, involves a constant reinterpretation of our past. I think that is Woodbridge's concept, and though he distinguishes between the record of facts and interpretation, he makes certain observations that take away from the "fact" its intrenched permanence and leave it wandering throughout history as a variable element. "A suspicion at least", writes Woodbridge, "has been created that it involves something more, namely, the recognition that the facts themselves 'evolved and acted' are also progressive. Historical facts are careers in time. It is their occurrence which is recorded and it is their career which is understood."[1]

It is obvious that an historian is not dealing with a "fact"; he is dealing with its plural—with facts. He tells us a story. This story is a story of relationships of so-called facts. It is not the isolated "fact" that is history; it is the story of relationships. These relationships the historian introduces. It is his construction. In this process of construction he could not utilize the whole of life, even if he had a record of it; he nominates particles thereof as his material; by his nomination they become facts. He may choose not to appeal to certain particles of our past but to use other particles in his construction. The choice is the historian's, whether he knows it or not.

[1] F. J. Woodbridge, *The Purpose of History*, p. 28.

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It is his choice that establishes them for purposes of history as relevant "facts". Furthermore, the weight of the fact—is it part of the fact or is it interpretation? Obviously from the standpoint of the interpretation the fact is assigned such and such weight. Even if the same "fact" is called upon to function in two different tales, its weight differs, and differing weight makes a different fact out of it; if the weight of a fact is reduced to zero, then the fact for a given historical structure is a fact no longer. Our interpretation, therefore, not only establishes the relationship between facts but affects the facts as well. This successive change of interpretation is what gives to the "fact" its historical career. But what is it that governs our interpretations? Our particular and specific interpretation of facts is governed by our attitude, which will indicate definite approaches and formulate corresponding interpretations, because our attitude, if consistent, will consistently mold our thinking.

It now becomes apparent how futile it is to follow up historical mistakes as such. The problem of history in the last analysis becomes a problem of thinking. Philosophers in dealing with thinking have distinguished the *form* of thinking from its content. As formal conditions of all thinking they have considered space and time and causation. This formal side of the thinking process gives form to all our thinking whatsoever the content of our thinking process may be. The philosophers who have looked for the general form-giving elements of all thinking have overlooked the specific form-giving element that gives definite form to all specific contents of our mental processes. The specific form-giver is our attitude. First of all, one cannot approach anything, no mental process is possible, without an attitude; secondly, this attitude will give a definite form to our mental process. The attitude as such, abstractly speaking, we have to consider as a formal condition of thinking. Since, however, the attitude may and often does have a definite content, we may call the attitude a *quasi-formal* condition of our mental process. Its "quasi" character in no wise affects its forming and fashioning function; it only qualifies its standing in systematic considerations. This form-giving sig-

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nificance of the attitude affects not only historical thinking; it affects every intellectual effort. The new departures in the realm of physics and chemistry are not experimental gropings in a universal darkness, but rather do they express a new attitude toward the atom; and they do divide that which a former attitude named "indivisible". The change of former mechanical processes into electrodynamic processes also expresses but a different attitude. In the realm of so-called political science our so-called "social contract" theories and the teachings of our historical school of jurisprudence represent nothing but different attitudes; and the same, of course, is true of the divers schools of economic thought. The attitude gives to our thinking process its specific form and is the controlling element of that process, yet we are apt to have serious difficulties in incorporating the attitude in the staked-out province of formal logic. We are prone not only to distinguish but to separate considerations of our emotional life from the processes of our reason; the separation finds its expression in our separation of logic and psychology as distinct inquiries. But our attitudes are only too often purely emotional and these emotional attitudes control our thinking processes and use the tools of the mind and the material of the world for purposes of their own.

History exists not only as a separate variety of literature or of knowledge, but as an integral part of all our so-called social sciences: none of them is conceivable without reference to experience, and all our experience that belongs to our past belongs to history. This experience cannot be approached by history without an attitude which puts its construction upon the experience. If we appeal to this experience of ours, we are appealing in vain; for all that history can offer us are its constructions put upon the experience. In other words, every time that we appeal to factual relationships of the past all we get is the mentality of the historian or an assorted variety of such mentalities. The circumstance that in most cases the historian is unconscious of his attitude does not alter the situation

It would therefore suggest itself that the study of this attitude is a matter of central importance. When we talk about studying something, the question at once arises: for what pur-

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pose are we to study it, and just how are we to approach the new material of our new study—in other words, what is our attitude to be toward these historical attitudes?

Broadly speaking, we have first of all two alternatives—a detached view of a succession of attitudes, which we may view as representing intellectual tendencies of their times and therefore as representative of our intellectual movement. The second alternative is of a more definite and technical nature. We are conscious of the unsatisfactory condition in which our body of so-called historical knowledge finds itself and within the limitations that our mind imposes upon us may endeavor to improve that state of knowledge and its organization. Obviously we have to deal here with attitudes and factual constructions as our clinical material. We must try to find wherein the major difficulties manifest themselves and see how and to what extent these difficulties can be obviated.

This study of attitudes as an element of our thinking as well as the central material of history is indicated by other considerations. Abstractly speaking, we deal in history with two aspects of life: *change* and *continuity*. If it were not for constant change there would have been no necessity for history. On the other hand, continuity is also an object of factual experience. Our mental life, our institutions, our political situations do not begin *de novo* with every passing moment. But what does the element of continuity in a civilization represent? What does the continuity of its religion or its morals or its habits or its laws or its art or its science imply? Nothing else but the continuance—conscious or unconscious—of specific attitudes. The controlling significance of the traditional attitude of the masses has been sensed and accepted as a matter of course by innovators interested in bringing about some fundamental change as well as by conservatives hostile to any change.

The revolutionary never bothers with the rôle of the attitude in our mental operations, but his actions imply recognition of it. We therefore find as a prelude to great politico-revolutionary movements an attack on the fundamental attitudes of the masses. This prelude to the French Revolution was called the "Enlightenment." There was no necessity of distinguishing,

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so far as the attitude of the masses was concerned, between church and religion, and both were attacked and condemned. To make grievances effective, war had to be declared on the attitude of submission, as well as upon the reverent attitude toward the traditional order of things. The German Revolution of 1848 was a lesser undertaking, but Ludwig Feuerbach and his associates were quite rightly considered the stormy petrels of that revolution. There is not a word of politics in Feuerbach's *Wesen des Christentums*, but in the preface to his *Sämmtliche Werke* he frankly emphasizes its political significance and his own political aims.[1] The same is true of "Nihilism" as a prelude to the Russian Revolution. The original "Nihilist" did not carry bombs in his vest pocket; he did not talk politics—his rôle was only to annihilate the traditional attitude. Read Turgenieff's *Fathers and Sons* and see what the original Nihilist did! It was not his cutting up frogs or his talking science that made him formidable, but his way of contemptuously invalidating all traditional authority. Turgenieff presents us in Basaroff with a colossal figure of a coming con-

[1] "Es handelt sich gegenwärtig, sagen sie, nicht mehr um das Sein oder Nichtsein Gottes, sondern um das Sein oder Nichtsein von Menschen; nicht darum, ob Gott mit uns eines oder andern Wesens ist, sondern darum, ob wir Menschen einander gleich oder ungleich sind; nicht darum, wie der Mensch vor Gott, sondern wie er vor Menschen Gerechtigkeit finde; nicht darum, ob und wie wir im Brote den Leib des Herrn geniesen, sondern darum, dass wir Brot für unsere eignen Leiber haben; nicht darum, dass wir Gott geben, was Gottes ist, und dem Kaiser, was des Kaisers ist, sondern darum, dass wir endlich dem Menschen geben, was des Menschen ist; nicht darum, dass und ob wir Christen oder Heiden, Theisten oder Atheisten sind, sondern darum, dass wir Menschen und zwar an Leib und Seel gesunde, freie, that und lebenskräftige Menschen sind oder werden. *Concedo,* meine Herren! Das eben will ich auch. Wer von mir nichts weiter sagt und weiss, als ich bin Atheist, der sagt und weiss soviel von mir als wie Nichts. Die Frage, ob ein Gott ist oder nicht ist, der Gegensatz von Theismus und Atheismus gehört dem achtzehnten und siebenzehnten, aber nicht mehr dem neunzehnten Jahrhundert an. Ich negire Gott, dass heisst bei mir: ich negire die Negation des Menschen, ich setze an die Stelle der illusorischen, phantastischen, himmlischen Position des Menschen, welche im wirklichen Leben nothwendig zur Negation des Menschen wird, die sinnliche, wirkliche, folglich nothwendig auch politische und sociale Position des Menschen. Die Frage nach dem Sein oder Nichtsein Gottes ist eben bei mir nur die Frage nach dem Sein oder Nichtsein des Menschen." — Ludwig Feuerbach, *Sämmtliche Werke,* vol. I (Leipzig, 1846), pp. xiv–xv.

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queror bent on destroying the old world. What did Basaroff ruthlessly trample under his feet? Nothing but attitudes! All he was destroying was an attitude and all he was fighting for was another attitude: nothing more, nothing less, nothing else.

When taunted and asked what he alone could accomplish with his Nihilism, his denial of all traditional attitudes of the vast masses, his reply was that one can set Moscow afire with a penny candle and that one cannot build before one clears the ground for a new building. Turgenieff's hero did not talk politics, but no one could fail to appreciate the significance of the revolutionary's assault on the entire framework of old Russia. Nor was practical appreciation of the basic significance of a mental attitude limited to revolutionaries. Permit me to quote from a Russian conservative writer, K. N. Leontieff, a frank and outspoken defender of Russian autocracy. His association of ideas is certainly interesting.

> Prepare, prepare the future! Send immediately anatomical atlases to the public schools, so that the children of the peasant, these citizens of the beautiful future, may learn soon that there is no soul in a man, and that everything is nerves and nerves—and if there is nothing but nerves—why should they go to confession or obey the policeman? . . . Oh, refined, slow poison is more terrible than fire and sword![1]

From such citations we may infer that in social life men consciously act as if unconsciously assuming that the continuance of the traditional political institutions rested upon the continuance of a mental attitude.

Such an inference leads us to consider the question as to the extent of that sphere of life and of history in which historical continuities as factual situations are nothing else but continuities of mental attitudes. We are talking here about attitude and continuity—but both concepts are used in two different senses and have therefore two different meanings. An attitude may be a form of our thinking or it may be the historical

[1] K. N. Leontieff, *Vostok, Russia i Slavianstvo* (Moscow, 1885), vol. II, pp. 43-44.

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material that we are studying. Precisely the same is true about so-called continuity. Continuity may be regarded by us as a continuous practice or a continuous way of thinking by a people and studied by us as historical material, but "continuity" may also be our own mode of approaching phenomena, our own attitude toward handling historical phenomena—that, of course, is an entirely different proposition.

To confront continuity as a "fact", in some way or another, and to think of historical facts in terms of continuity, are two widely differing mental processes. In the first case we are not dealing with breaks of continuity or with drastic changes—for they do not represent to us continuity, but the opposite thereof. In the second case, where we are dealing with facts of history in terms of continuity, we are approaching breaks and changes with a definite scheme of organization. We are forced to view them in terms of continuity and to do so we are very apt to emphasize the shell of continuity and overlook its kernel, whose very meaning and very essence is the *break*. To illustrate the point: Wellhausen in the fourth edition of his *Israelitische und Jüdische Geschichte* told us that "Micah VI, 6–8 and Psalm LXXIII, 23–28 give us the complete Gospel."[1] And he was therefore of the opinion that Jesus' teachings contain nothing that is new. He modified this statement in subsequent editions. Though the particular statement was omitted even in the fifth edition, he limited the originality of Jesus to a capacity for selecting what was true and enduring in Pharisaic Judaism, on which he laid the utmost emphasis. This statement also did not seem to satisfy Wellhausen, for it was deleted in subsequent editions. We find this scholar, perhaps the greatest literary historian of the Old and New Testaments, so uncertain as to the teachings of Jesus in their relation to the doctrines of Pharisaic Judaism, that in the seventh and eighth editions the chapter on the Gospels is introduced to us with the author's amazing statement: "I have left this chapter as it stands though I agree only with part of what is there said."[2]

[1] J. Wellhausen, *Israelitische und Jüdische Geschichte* (4th ed., Berlin, 1901), p. 390.

[2] For comparison of the various editions *cf.* J. Clausner, *Jesus of Nazareth* (New York, 1925), p. 94.

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We are obviously confronted by mental troubles and difficulties on the part of a distinguished scholar. The difficulties arise from a conflict of attitudes. He follows the historico-genetic method as a matter of course. Otherwise what sense is there in finding dubious equivalents of the Gospels in some texts of Micah and in a Psalm? He looks at ideas in terms of their past, or rather what he considers their past. But if one approaches things in terms of continuity it is only the continuity that one sees, even where the continuity is irrelevant. It cannot be otherwise, for our approach means that we are thinking in terms of continuity, hence it is continuity we are looking for, and our mental process will inevitably produce continuity. The moment we start to think just how and where the teachings of Jesus represent a continuation of the teaching of the Scribes and Pharisees, that very moment we cease to deal with, cease to see or comprehend what was unique in Jesus or peculiar to him and him alone. Our mind establishes a continuity by finding an approximate common denominator—and a certain unity is established by creating a Pharisaic Jesus. The uncertainty and vacillating attitude of Wellhausen, his utter inability to rest on any one of his conclusions, only does him credit. It indicates that as an intellectual entity he is too sensible to accept the conclusions of his specific historical attitude.

We find precisely the same conflict even in the greatest historian of our own generation—Eduard Meyer. Here the conflict expresses itself in outright contradictions. In his last work on the *Origin and Beginnings of Christianity*, Meyer also tells us that "the religious world view of Jesus is entirely that of the Pharisees."[1] The question therefore arises, what is it that characterizes the Pharisees? Meyer fully recognizes their zealous devotion to the traditional law, which to them was not only the law and Prophets but the traditional interpretations, additions and regulations of their theologians.[2] Openly to disregard

[1] "Das religiöse Weltbild Jesu ist ganz der Pharisäer."—Ed. Meyer, *Ursprung und Anfänge des Christentums*, vol. II (1921), p. 425.

[2] "Der aramaeische Name Perîšaje, φαριζαῖοι, mit dem sie bezeichnet werden, bedeutet 'die Abgesonderten, Getrennten.' Gewöhnlich erklärt man das als die 'Separatisten', die sich von der Masse des Volks—die im Talmud in Gegensatz

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and attack these interpretations and traditional additions to the law and at the same time to be a Pharisee is impossible, for what constitutes a Pharisee is his zealous observance of them; to consider the law itself as antiquated, to revise it, to speak with authority not derived from the letter of the law—and be at the same time a Pharisee—is unthinkable. And yet Eduard Meyer by identifying Jesus' religious world with that of the Pharisees would seem to accomplish the impossible and the unthinkable. Meyer could have remained consistent by completely failing to understand Jesus; but Meyer is considerably more than a great academic scholar, he is an intelligent man and hence he is forced into hopeless contradictions. Jesus' mental outlook is that of the Pharisees, but he tells us in the very same chapter that "what lifts him [Jesus] far above all his Jewish predecessors is the inner freedom from the Law that he won for himself."[1] In another place he tells us of Jesus' teachings that all that matters to him is the inner attitude.[2]

We are not engaged here in showing up Meyer's mistakes. We have selected a man whom we believe to be the greatest living historian. To take lightly Meyer's contradictions and mistakes in his serious historical works is hardly warranted. His contradictions and inadequacies are due to his approach, to his historical attitude that gave his thinking inevitably a form which his deeper intellectual insight could not well accept and which only contradictions could modify.

If our mental process is controlled by conflicting attitudes, the conflict will express itself in contradictions. But where there is no conflict and no contradiction on the printed page, the result is not necessarily better. If we are to continue to use as an illustration the historical relation of the teachings of Jesus to traditional Judaism—the work of our own great

zu ihnen verächtlich als *ám hares* 'Landvolk', 'Pöbel' bezeichnet wird—durch peinliche Beobachtung des Gesetzes und vor allem der durch ihre Kasuistik bis zu den äussersten Spitzfindigkeiten entwickelten Reinheitsgebote absondern."—*ibid.*, pp. 283-84.

[1] "Was ihn weit hinaus hebt über alle Jüdische Vorgänger ist die innere Freiheit, die er auch dem Gesetze gegenüber gewonnen hat."—*ibid.*, p. 431.

[2] "Nur auf die Gesinnung kommt es an."—*ibid.*, p. 428.

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scholar and eminent historian of Christianity, Arthur McGiffert, is a good example. He deals with the same subject in the first chapter of his book, *The God of the Early Christians*. There are no contradictions there. It is consistently thought out in terms of continuity, and as McGiffert's attitude is the same as Wellhausen's, so are his conclusions: "Jesus was a devout and loyal Jew, and the God whom he worshipped was the God of his people Israel—the God of Abraham, Isaac and Jacob. He was not a theologian or a philosopher."[1] In summing things up McGiffert comes to the conclusion that "his uniqueness, so far as his teaching goes, lay not in the novelty of it, but in the insight and unerring instinct with which he made his own the best in the thought of his countrymen."[2]

It may be said that continuity can be differently conceived; it may be questioned whether it is really necessary from the point of view of historical continuity to make out of Jesus a Pharisee or to deny him any original insight. But for the time being let us consider such questions as beside the point. What matters is not what could be done—but what is done, what our mental attitude actually does.

Frankly, this superior historical method is in its vital elements inferior to our old-fashioned literary history, that we all so gladly read and sometimes so gladly abuse. The literary historian looks at things as we see them in the workaday routine of life; from the historico-genetic standpoint we do not seem to look at life in such a simple way. In other words, the genetic attitude runs contrary to our existential way of seeing things. This existential way of seeing life is based on the sum total of our life's experience, human, racial and personal, with which we are endowed and with which we meet problems of our own life and understand the problems of others. One of its peculiarities is our absorbing interest in the present, and our carefully watching what is in front of us. The intellectual residue of the past is unquestionably in us, but it is being con-

[1] Arthur C. McGiffert, *The God of the Early Christians* (New York, 1924), p. 3.

[2] *Ibid.*, p. 21.

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stantly transformed by exigencies that we are confronting. History written in terms of our own way of seeing and understanding things may indeed be a rather fanciful creation, may be vulnerable in ever so many points and invite severe criticism, but such history does not crumble under its own weight. From the point of view of historical truth it is a possible construction. It has to be! To pass as "history", a construction must be plausible. The man of letters, because he draws on his imagination, must give to his work the appearance of being drawn "from life." The literary historian has to be a literary artist, he cannot hide himself behind science, nor can he take refuge in philosophy. He is called upon to visualize actions within the flow of historical life and he is obliged so to model and arrange his material that it may have the qualities consistent with life as sensed by the historian and his generation. The historian has documents, but what does the historian do with the documents? He restates them, he translates them in terms of experience. He never bothers with the question of what life is or what experience is, but his attitude is to think, to feel, to express things in terms of our experience, to depict things in hues and shades and tones in which we ordinarily see life.

What is the characteristic of all good literature? What gives quality to a novel or a drama? Its situations and its characters become real to us, their actions become convincing to us, by conforming to life as we know it; the psychological reactions become intelligible only by corresponding to life's experience, with which we are familiar. Our great masters of literature did not get their knowledge of life from historical documents, they got it from documents that remained unfiled and unrecorded—they got it from life itself, from experience and their own appreciative and understanding minds. The same is true of the literary historian of distinction—he deals with the historical documents but brings to bear upon them all the experience of his life and his way of understanding it.

The literary historian cannot claim infallibility, but what he can claim is that he has given to historical material a form which is "true to life." He has infused the breath of life into

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his material, he has made the historical actions coherent. His pages are intelligible because his own creative intelligence has made the historical actions conform to the common source of all human intelligence — common human experience. His story is tenable, plausible, convincing, till some other historian tells as convincing or even a more consistent story. Some other historian is sure to do so, for he can see things quite differently and tell a quite different story by viewing things from a different angle, by looking at things in a different light.

The faults of this literary type of history we all know but let us also recognize its distinguished merits. Let us admit that this frankly unscientific history actually establishes standards for any type of history. The purpose of any historical construction is to make the particular event or movement understood in terms of general human experience and its aim is the maximum of plausibility. Let us for the time being be simple-minded enough to assume that historical objectivity is one of the main passions of our soul, in which case the "maximum of plausibility" standard gives us a measuring stick for the various historical approaches.

The approach that deserves our utmost consideration is the genetic approach which gives history the form of continuity. The achievements of this school of thought are great. It rescues history from being a mere collection of unrelated incidents and accidents. That is why brilliant minds in the field of history pay it unstinted tribute. Thus James Harvey Robinson tells us: "History, in order to become scientific, had first to become historical."[1] Robinson elucidates it in a remarkable chapter, from which we can quote but a few lines.

> The doctrine of the continuity of history is based upon the observed fact that every human institution, every generally accepted idea, every important invention is but the summation of long lines of progress, reaching back as far as we have the patience or means to follow them. The jury, the drama, the Gatling gun, the papacy, the letter S, the doctrine *stare decisis*, each owes its

[1] J. H. Robinson, *The New History*, p. 62.

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present form to antecedents which can be scientifically traced.[1]

. . .

Now—and this cannot be too strongly emphasized—the continuity of history is a scientific truth, the attempt to trace the slow process of change is a scientific problem, and one of the most fascinating in its nature. It is the discovery and application of this law which has served to differentiate history from literature and morals, and which has raised it, in one sense, to the dignity of a science.[2]

We have already emphasized the difference between continuities that are dealt with as factual material, and a doctrine of continuity or a "law" of continuity as an historical attitude. If the object of history is to record the changes, to understand why the changes have taken place, the "law" of continuity as an historical attitude may not prove very helpful. By focusing our attention on the genesis, this attitude does not help us to see the purport of the change. Since we cannot genetically see the purposes of a change, the historico-genetic attitude lets a series of successions take the place of "understanding." But the greatest difficulty the genetic attitude encounters is in dealing with beginnings, for it is impossible to see or to explain beginnings in terms of succession or continuity. Even its minor difficulties are serious. One of our existential experiences is that we are moving from the present to the future, not to the past. We are moving onward, not backward. It is also quite certain that our eyes are in the front of our heads and not in the back of them. Thus it happens that when we walk—and we walk forward—we see what is in front of us and our movements are determined by what we see.

The historico-genetic attitude makes the historian look backward. To establish the genetic relationships he focuses his sight and attention upon the antecedents of our institutions, of our thoughts, of our actions, on their onward march in their historical procession. Consequently his sight and attention are not focused at the same time upon what these institutions,

[1] *Ibid.*, p. 64.

[2] *Ibid.*, pp. 64-65.

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thoughts and actions confront. If we should, for instance, try to understand the philosophical system of Schelling or Hegel, can we explain these systems by emphasizing the fact that Kant was close behind them? Will it help us to look upon them in terms of continuity? They represent an antithesis, not a continuity, and their antithetic positions can only be understood by seeing what they saw in front of them, not back of them. Only by understanding their reactions to what they have seen, their fears and their hopes, can we really understand the passionate motives of Schelling's genetic philosophy, as well as the intimate political setting of Hegel's dialectic process and his *Theodicy*. The molding of their philosophies, their organizations, cannot be explained by antecedents; while on the other hand their passionate aims, conditioned of course by the situation in which they found themselves, enable us to understand and appreciate why they viewed the world in the way they did and what immediate purposes their world views served.

Studying the type of vision that our historico-genetic attitude affords, one comes to the further conclusion that it gives a very inadequate view of so-called antecedents as well. For the antecedents, too, in their particular situations had their living functions. They did not exist for the purpose of becoming antecedents! Nor are their functions in their day explained to us by what preceded them in bygone ages.

The negative, as well as the positive, contributions of this historico-genetic attitude are so great that we shall have to give it much more detailed consideration.[1]

VLADIMIR G. SIMKHOVITCH

COLUMBIA UNIVERSITY

[1] This article is an introduction to a series of studies which will appear in future numbers of the POLITICAL SCIENCE QUARTERLY.

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BLANQUI AND COMMUNISM

IT is a commonplace, admitted by all except the "scientific" historians, that each generation writes anew its history, re-selecting the facts and altering the emphasis, in accordance with changing interests and ends. This is as true in the history of socialism as elsewhere. Since the Russian Revolution we have seen the increase in magnitude of certain supposedly obscure nineteenth-century revolutionaries and the decrease of others. The historical importance of no one of them, probably, has changed more than that of L. A. Blanqui. In France and in Russia a long list of books has been written during the last ten years, discovering in Blanqui a thinker of considerable importance, and the connecting link between Babeuf and Bolshevism.[1] His few published works have been fished out of forgotten hiding-places and his relation to the Revolution of 1848 and to the Paris Commune newly studied.

The historians of nineteenth-century socialism had assigned to Blanqui a minor position. To them his greatest achievement, possibly, was the giving of his name to a Parisian boulevard, or perhaps his election to the Chamber of Deputies in 1879. The Blanquist party in France had never consisted of more than 2,500 members. He was chiefly known as one of the prominent radical republicans of 1848 and as the leader of two or three rather ridiculous attempts to seize power with a handful of followers, notably in 1839 and 1870. His most

[1] In French: Suzanne Wasserman, *Les Clubs de Barbès et Blanqui en 1848* (Paris, 1913), a careful historical account; Charles Da Costa, *Les Blanquistes* (Paris, 1912), a good description of the Blanquist party in the sixties; Alexandre Zevaès, *Auguste Blanqui* (Paris, 1920), a long but very superficial book; Maurice Dommanget, *Blanqui* (Paris, 1923), the best treatment of Blanqui's ideas. In Russian, among others: Goryev, *Auguste Blanqui* (Moskva, 1921); Velichnika, *Blanqui* (Moskva, 1921); Gustave Geffroy, *Blanqui, evo jizn i revolutsionnaia deatel nost.* Recent translation from the French: Zevaès, *Blanqui* (1922). In addition the numerous books on the Paris Commune which have come out in recent years all give considerable space to Blanqui.

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important work, *La Critique Sociale*, a posthumous, two-volume collection of short essays and aphorisms, assembled by the pious hand of a disciple, was rarely if ever read. Marx and Engels, his most prominent socialist contemporaries, had for him only a moderate respect. The estimate of Blanqui by the latter is typical of socialist opinion before the Russian Revolution:

> Blanqui is really a political revolutionary, socialist only in his emotions, sympathizing with the suffering of the people, but without a socialist theory or definite, practical proposals for social reform; in his political activities he was essentially a man of deeds, and of the opinion that a small, well organized minority, which strikes at the right moment, can carry with it the mass of the population and thus consummate a successful revolution. . . . One sees that Blanqui is a revolutionary of a past generation.[1]

What is *the just* evaluation of the historical importance of Blanqui? Such a question is a little absurd. I shall content myself in this paper with an attempt to answer a more modest question: what is the position of Blanqui as a forerunner and representative of what is now called communism?

Before the Russian Revolution it would have been impossible to give a definition of communism or to distinguish it from socialism. Or rather, there existed a bewildering number of varying and contradictory meanings. As is well known, communism and socialism exchanged positions a number of times between 1848 and the end of the century. At the time of the *Communist Manifesto*, the term "socialism" was used to describe a large collection of utopian proposals and was opposed by Marx and Engels to their own scientific, revolutionary brand of "communism". Later on when international socialism had, in a general way, defined its principles and organized its adherents, "communism" was usually used to describe the beliefs of certain small sects of voluntarists, generally religious, or the position of certain anarchist-communists such as Kropotkin or Reclus. And now, the term "socialism" having been disgraced, according to Russian communists, by the ac-

[1] *Program der blanquistischen Kommune-Flüchtlinge*, Volkstaat, 1874, no. 73.

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tion, or inaction, of the Second International during the war, "communism" must be rescued from the hands of unimportant sectaries and be given the significance of 1848.

Laski, in his little book on communism, describes it as "at once an ideal and a method". The distinctive characteristic of communism, however, is to be found in its method, its revolutionary strategy. The ideal of communism is apparently no different from the ideal of socialism. The Second International and the Third International, at one another's throats on questions of political tactics, harmoniously agree on the nature of the inevitable society to come. In the popular mind communism is identified with a body of revolutionary strategy, and the communists themselves have countenanced this interpretation. At one time the vaguest of social ideals, whose votaries ranged from the mildest of evolutionists to the hardiest of revolutionaries, communism has come to signify a narrow set of tactical methods developed and applied by the Bolshevists. At one time the most ideally "constructive" of utopian dreams, it has become the most "destructive" of practical policies. It has drunk deeply of the waters of Russian nihilism. Needless to say I am not talking of the policies, political or economic, of Soviet Russia. No one either inside or out of Russia pretends that this is communism. The communism of the Third International and of the communist parties of Europe has come to stand for something identical with Bolshevism or Leninism. This is perhaps a misuse of terms, but it is a misuse which has received the sanction of general consent.

The body of revolutionary theory known as Bolshevism, expounded in *Iskra*, enunciated by the majority of the Russian Social Democratic Labor Party in 1903, developed and tested in the revolutions of 1905 and 1917, was molded by the hand of Lenin.[1] To him the theory represents an interpretation of Marx,[2] but Kamenev and Stalin, among others, more rightly regard it as an addition to Marx. As the former has said:[3]

[1] The best account of the history of the party and the ideas of the party is to be found in Zinoviev, *Istoria Kommunistícheskoi Partii* (Bolshevikov).

[2] See his *State and Revolution.*

[3] See L. Lawton, *The Russian Revolution—1917-1926,* p. 27.

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> Two chapters are missing from Marx, one showing how the Socialist Revolution is made, the other describing the position of the working masses on the day following their assumption of power, and the problems they would be called upon to solve. These problems [chapters] were written by Lenin, not only in books but in life itself.

The interpretation of Leninism offered by these gentlemen is today called into question, but the essential characteristics of Leninism or Bolshevism as a revolutionary method are beyond dispute. It will be the purpose of this paper to inquire into the relation between the revolutionary thought and method of Blanqui and that of Bolshevism.

There is an extraordinary unity in the life of Blanqui: a blending of thought and action, a singleness of purpose and a monotony of experience which makes of him a figure clear-cut in its significance.[1] He alternated between a life of enforced meditation, in prison, on the evils of society and, when at liberty, a feverish, usually secret political activity designed to end these evils. A sombre, morose, *farouche* and solitary man, he gained and kept his followers by the strength of his purpose and the intensity of his determination rather than by any such personal charm as that which drew disciples to Bakunin. He wasted little time and energy on questions other than those immediately connected with his ends,[2] and these ends were conceived in terms of political activity here and now. Yet in his writings he established a certain justification for his actions, a body of thought which merits consideration from those interested in the history of radical political and economic theory. Benoit Malon is in a certain sense right in describing Blanqui

[1] The best biography of Blanqui is that of Gustave Geffroy, *L'Enfermé* (Paris, 1897). For two short contemporary biographies see Charles Hippolyte Castille, *L. A. Blanqui* (Paris, 1857), and E. de Mirecourt, *Blanqui* (*Les Contemporains, No. 91*) (Paris, 1857).

[2] During the ten-year period of his last imprisonment he threw together his meditations on astronomy into a small book called *L'Éternité par les Astres*, part of which was published in a scientific review. Apart from this, practically all his writings, manuscript as well as published, deal entirely with the question of social reform as he envisaged it.

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as a synthesis of revolutionary Babouvism and scientific socialism.[1]

Blanqui's revolutionary theory in its barest outlines may be put very simply. The attainment of a communist society, the ideal order, must be the work of enlightenment.[2] The evils of our present organization are only the product of ignorance, an ignorance maintained and fostered by certain groups, notably the church, the state and the capitalists, or property owners, interested in perpetuating their privileged position. It must be the task of the revolution in seizing power to crush these anti-social groups during the time necessary for the illumination of the people. For this is necessary a relatively small group of intelligent and forceful men working in the interest of the proletariat. It will be impossible during this period to utilize the machinery of democracy, since the mass of the people, trained to respect its oppressors, is not in a position to know where its interest lies. Once this process of education has been accomplished, the dictatorship of the minority can cease, and society be left to develop its own institutions.

One finds in Blanqui's thought a thoroughgoing rationalism joined to a thoroughgoing environmentalism. It is perfectly possible by the use of the reason not only to understand the universe and society and the laws which describe the action of phenomena therein, but to discover the best possible social order and to devise the means of attaining it. There is no Marxian acceptance of whatever is as necessary, no tendency to wait for the movement of history to usher in the desired and inevitable order. The desired order is anything but inevitable; the mind and the will are necessary to seize it.

[1] *Revue Socialiste,* vol. II, p. 597 (1885).

[2] There is no good study of Blanqui's ideas. The best is that of Maurice Dommanget (Paris, 1923). But neither this nor other studies appears to have used the manuscripts of Blanqui, deposited by his friend Ernest Granger in the Bibliothèque Nationale. They are catalogued there under "Manuscrits français, Nouvelles Acquisitions, 9578-9598," and consist of twenty-one packages of very finely written manuscript; letters, essays and notes thrown together in considerable confusion. These documents have been used by Geffroy in his biography and by Suzanne Wasserman in her study on the clubs of Barbès and Blanqui, but, so far as I am aware, no one writing on the ideas of Blanqui has made use of them.

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There is no evidence that Blanqui had read or was at all familiar with the work of Marx, though they were almost exactly contemporary. He spent some months in 1857 in London, where Marx was busy working on *Capital*, but there is no mention in his letters or manuscripts of having visited Marx. On the whole this is not very surprising, for Marx, in spite of his writings on the Revolution of 1848 and on French politics in the fifties, was relatively unknown in France until after the Commune. The association in the minds of the French conservatives of the First International with the Commune, and Marx's striking pamphlet, *Civil War in France*, made him a well-known figure after 1871; but at that time Blanqui was out of politics, safely ensconced in a prison cell, speculating on the movement of astronomical bodies.

Marx, however, was thoroughly familiar with the activities of Blanqui, and after 1871, when the Blanquists, driven from Paris, took refuge in London, he had occasion to become more closely acquainted with Blanqui's ideas. Blanqui was to Marx a true leader of the proletariat, and appeared as such in the Revolution of 1848.[1] In Marx's studies on the revolutionary movements in France illustrative of his philosophy of history, Blanqui is the most striking and typical leader of the emerging French proletariat, defeated in its first weak attempts at class revolution in 1848 and 1871, but destined inevitably to triumph.

Engels suggests[2] that the main reason the Blanquists in the Commune did not accomplish more in the way of socialist reform was that they were unacquainted with "German Scientific Socialism", that is, with Marx and Engels. Whether or not this is so, it is true that Blanqui was entirely French in his socialist tradition and quite unacquainted with his foreign contemporaries.

As a rationalist and environmentalist, the necessary means of progress, of revolution, appeared to him to be education, the application of the reason to those questions which had thus far escaped the domain of science. His published writings and his manuscripts form one long plea for enlightenment, one long

[1] Marx, *18th Brumaire*, p. 19.

[2] Engels, *Civil War in France*, introduction.

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diatribe against those groups which in their own interest made a mockery of education. "There is no durable revolution, without light! There is no emancipation without intelligence for a foundation! Liberty means instruction! Equality means instruction! Fraternity means instruction! Teachers, books, the printing-press, these are the true revolutionary agencies."[1] When Lafargue brought to Blanqui his tract on *Mutualisme, Collectivisme et Communisme* the latter heatedly, and somewhat unkindly, cried, "All this discussion of the probable forms of a future society smacks of revolutionary scholasticism. It is more necessary to write a criticism of primary instruction."

Blanqui's view of history envisages the idea as being the sole engine of progress. It is needless to say, in the light of Blanqui's intellectual heritage, that he was a progressist and perfectionist of the deepest dye. Every advance which mankind has made has been the product of human reason, every relapse the result of the imprisonment of reason. "No," he asserts, "it is not manual dexterity, it is the idea alone which makes the man. The instrument of deliverance is not the arm, but the brain, and the brain lives only by instruction."

At the dawn of history, before mankind had proceeded far in its discovery of the laws of nature, there was no golden age, but the reverse. Blanqui denies the existence of a primitive communism. Communism is the supreme product of the human intelligence and must constitute the last stage of human development. The first human beings lived in a state of war; there was no possibility of coöperation.[2]

> Communism is not . . . an unformed chaos, the confused syncretism of the first ages of humanity; it is the last word of the social science, the ideal of the future.
>
> It is false that communism has ever been the infancy of any society whatsoever, and that the lower human groups are placed in the scale of civilization, the closer they approach communism. These assertions are the direct opposite of the truth. The whole of history stands in permanent contradiction to them.[3]

[1] MSS. Liasse I, Cahier B 3°, p. 84.

[2] Blanqui, *La Critique Sociale*, vol. II, p. 68.

[3] Blanqui, MSS., March 13, 1869, notes on an article of Liasse VII.

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And again, "In every time and in every country, individualism formed the first cradle of society. Its reign was that of ignorance, of savagery and bestiality. . . . All social progress is the consequence of its defeat, the encroachment of communism upon its domain." [1]

The progress of the cultivation of the intellect in the direction of communism has been interrupted only by movements whose significance lay in the obscuring, the mystification of the intellect. Such a movement was Christianity, and a large part of Blanqui's writing was directed against religion and in defense of atheism.

> Thrown between two civilizations, the one at its death bed, the other in its cradle, Christianity, hating the first, killed it in an act of parricide, and in turn perished at the hands of the second, heir and revenger of its predecessor.
> Between the two, its true reign; the middle ages, barbarism.[2]

It is essential to know something of Blanqui's views on the importance of education and the rôle of the idea in history in order to understand his justification of his revolutionary method. The admitted ignorance of the proletariat excludes the possibility of its playing an important revolutionary rôle as a class. For a certain section of the proletariat, however, the enlightened industrial workers of Paris, this rôle is important. But the real leaders of revolution spring from the bourgeoisie; they are educated *déclassés* working in the interest of the proletariat. Liberal and democratic institutions, based as they are on the assumption that the average man is intelligent enough and informed enough to know his own interest and that of his class, are an impossibility in a society in which the vast mass of the population, the proletariat, is in ignorance. Those institutions which pass as liberal and democratic in modern society are simply creations, in its own interest, of a minority. It follows that a dictatorship of *déclassés* and the enlightened proletariat, working in the interests of the mass of the population, is the revolutionary method called for. But it is neces-

[1] *Ibid.*

[2] MSS. Liasse I, Cahier B 2°, p. 140, September 2, 1858.

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sary to enlarge upon and explain the separate parts of this theory which have been stated above in a form more succinct and clear-cut than that employed by Blanqui.

French socialism has always been more a product of the large cities than the socialism of any other country, with the possible exception of Russia. Sombart[1] explains this by the presence of an "*überfeinerte*" populace in all stages of decadence, possessed of an arrogant belief in its capacity and right to rule. Whatever the truth of this generalization as applicable to the whole of French socialism, it is largely valid as regards the socialism or communism of Blanqui and his followers. He is never tired of contrasting the intelligence and enlightenment of the Parisian proletariat with the ignorance, not to say bestiality, of the peasantry. It is evident in questions of religion, in economics and in politics. "*La férocité du spiritualisme, la tolérance du matérialisme, chez l'un, l'ignorance, la bestialité, l'abrutissement, l'égoïsme farouche, la prédominance des appétits matériels; chez l'autre, l'intelligence, la lumière, l'élévation de l'esprit et du cœur.*

"*Le paysan bas-breton et l'ouvrier de Paris, types.*"[2]

The spread of education and a capacity for self-government he terms the "Parisification" of France.[3] He is thoroughly against the proposals of decentralization in France, for he thinks them an attempt of the reactionaries to escape from the growing influence of Paris.[4] Paris is the city of revolutions, which is, for Blanqui, the same thing as saying that it has demonstrated its capacity to rule. Once the "Parisification" of France has taken place we shall see "the voluntary abdication of Paris in favor of its children come to their majority"; we shall see "its maternal joy in the virility of its intellectual sons".[5] Until this time has come, the cause of progress will be furthered by the dictatorship of this enlightened element of the French proletariat.

[1] Sombart, *Proletarische Sozialismus*, vol. II, p. 378.

[2] *Ni Dieu, Ni Maître*, no. 14, December 3, 1880.

[3] MSS. Liasse I, Cahier B 3°, p. 231.

[4] *Ibid.*

[5] *Ibid.*

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Blanqui's revolutionary activity never extended beyond the confines of Paris, nor was he ever, except under compulsion, outside this city of revolutions. The Blanquist party at its height, in 1867 or 1868, was a group entirely Parisian in its constitution, whose heroes were the leaders of that first Commune in Paris which had for a time imposed its will upon France. In 1848 he protested against an appeal to universal suffrage which could result only in the destruction of the power of the Parisian republican proletariat and its transfer to the provincial conservatives. The Commune of Paris of 1871 was ostensibly a movement toward federalism and decentralization in France, but to the Blanquists in the Commune it represented an opportunity of seizing power not to the end of governing Paris but to the end of dominating France.

Not only was Blanqui convinced of the impossibility of revolution by the proletariat as a class; he held also that the driving force, the leadership, of revolution must rest in the hands of the bourgeoisie. And the reason is simple: here are to be found the men of ideas and of education. Blanqui is one of the few nineteenth-century socialists willing to recognize the importance of bourgeois leadership in European socialism, and it is distinctly to his credit.

> The bourgeoisie includes an *élite* minority, an indissoluble group, nervous, ardent and full of zeal; it is the essence, the soul, the life of the Revolution. It is the incandescent source from which spring incessantly ideas of reconstruction, stirring and exciting the masses.—Who has planted the flag of the proletariat? Who has rallied it after its defeats? Who are the promulgators, the apostles of doctrines of equality? Who leads the people to battle against the bourgeoisie?—The bourgeoisie itself. They will cease only after having led the Revolution to the victory of Equality. But what is the device on its banner? Democracy? No—the proletariat. For its soldiers are workers though the leaders are not.[1]

And the element of the bourgeoisie which will provide this leadership is composed largely of the *déclassés*, those, as Som-

[1] MSS. Liasse II, p. 150.

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bart says,[1] whose position is the result of their socialism and not the cause. Flocking to the cities in large numbers, these members of the bourgeoisie, unwilling to continue or incapable of following the traditions of their class, furnish a powerful support to the socialist movement. And in Paris, quite naturally, their importance has been and is considerable. As Blanqui puts it:

> Thousands of the *élite* live in conditions of extreme misery. They shock and horrify the capital. And the capital does not deceive itself in its hate of them. These *déclassés*, invisible agents of progress, are today the secret ferment which sustains the masses and prevents them from sinking to a condition of impotence. Tomorrow, they will be the reserve force of the Revolution.[2]

The Blanquist party itself was composed principally of members of the bourgeoisie, radical students of the schools of Paris, young advocates, and journalists. Blanqui's favorite disciple, Tridon, was an unimportant journalist, the author of two or three pamphlets on the figures of the first Commune of Paris. Another, Ernest Granger, possessed a small patrimony which he expended in purchasing weapons for the unsuccessful attempt at revolution on August 14, 1870. Rigault and Ferré, the two most notorious Blanquists in the Commune, were both students. To this bourgeois majority were joined perhaps a few hundred radical Parisian workers. The Blanquist party was to consist of leaders, bourgeois for the most part, who would find their support from the rank and file after the revolution had been initiated.[3]

The revolutionary activity of the Parisian proletariat, assisted and led by the radical bourgeoisie, had as its end the establishment of a dictatorship in the interest of the proletariat. To rely upon popular elections and to attempt to work within the machinery of bourgeois governmental forms is to abandon the

[1] Sombart, *op. cit.* vol. II, p. 150.

[2] *La Critique Sociale,* vol. I, p. 219.

[3] See on the Blanquist party Charles Da Costa, *Les Blanquistes.* Da Costa was a disciple of Blanqui.

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revolution. We have already seen how in 1848 Blanqui condemned the appeal to popular suffrage on the ground that sixty years of oppression and of training in the catchwords of conservatism had rendered the people incapable of self-government.

> In the cities, the working class, accustomed to the yoke by long years of oppression and misery, will either take no part in the election or will be led to it by their masters like blind beasts. In the country, all influence is in the hands of the clergy and the aristocrats. The people does not know. It is necessary that it should know. This is not the work of a day or of a month.—The elections if they take place will be reactionary.—It is a sacrilege to make lie for their own safety, millions of men; to tear from their inexperience the sanction of their slavery.[1]

In the existing state of society the issue of democratic procedure could only be a government of incompetents at best, composed of those who best knew how to play upon the prejudices of the ignorant masses. This suspicion of and antagonism to popular assemblies was shared by Blanqui's followers. In 1871, as soon as the Commune of Paris was established, the Blanquist members planned to introduce a resolution which would suspend all democratic forms, appoint a committee of public safety and militarize the Commune until the government of France had been overthrown.[2] They desisted only because of the realization that there was no hope of carrying this measure through the Commune assembly itself.

These are the elements of Blanqui's revolutionary tactics. As one sees, they are in the best communist and anti-democratic tradition. So far as revolutionary tactics go there is little difference between Babeuf and Blanqui or between Blanqui and modern communism. What difference exists is to be found in the slight adaptation of the general theory to particular conditions. Blanqui modified the theory of Babeuf to fit the revolutionary milieu in Paris, in which he worked. His indebtedness to Babeuf is pretty clear. In 1828 appeared

[1] Dommanget, *op. cit.*, p. 70.

[2] Gaston Da Costa, *La Commune Vécue*, vol. I, p. 327.

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Buonarotti's *Conjuration des Égaux*, and through Buonarotti the ideas of Babeuf were transmitted to a whole group of radical republicans, Blanqui included. In the thirties he came into close contact with Buonarotti in the various secret societies with which they were mutually connected, and received from the lips of the sole living survivor of the *Égaux* the revolutionary tradition of Babeuf.

But to this teaching Blanqui added the conception of a class struggle. To him revolution was in the interest of the proletariat and not of the social ideals which motivated Babeuf. With nothing of the sociological interests or analytical capacity of Marx, he never defined what he meant by a class in general or by the proletariat in particular. But he clearly opposed the interests of the working class to the interests of the property-owning class and conceived the ends of revolution to be entirely connected with the emancipation of the former from the domination, in various forms, of the latter. In 1832, under the interrogation of the president of the *Cour d'Assises de la Seine*, he proudly, and not too intelligently, described his profession as being that of proletarian,[1] and arrayed his thirty million fellow proletarians against their masters, "living fatly off the sweat of the people". In fact Blanqui went so far in proclaiming the class struggle on this occasion that the court ordered a year's imprisonment and 200 francs fine for "troubling the public peace and exciting the contempt and hate of the populace against certain classes of people whom he alternately designates by the names of the 'privileged rich' and the 'bourgeoisie', in various passages of his speech".[2]

[1] Audiences des 10, 11 et 12 Janvier, 1832. Affaire de la Société des Amis du Peuple. Interrogatoire et défense du citoyen Blanqui:

"Le Président: Quelle est votre profession?

Blanqui: Prolétaire.

Le Président: Ce n'est pas là une profession.

Blanqui: Comment, ce n'est pas une profession! c'est la profession de trente millions de français qui vivent de leur travail et qui sont privés de droits politiques.

Le Président: Eh bien! soit. Greffier, écrivez que l'accusé est prolétaire."

[2] *Ibid.* In a more explicit statement of his aims (quoted above) he insists that the device on his banner is not democracy but the proletariat.

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The conception of the revolutionary dictatorship of Babeuf was accepted by Blanqui to be applied to the advantage of the proletariat conceived as a class with interests opposed to those of other classes. His idea of the proletariat and its interests is the product of an analysis of the nature of society of sufficient importance to support Malon's judgment that Blanqui represents a synthesis of revolutionary Babouvism and "scientific" socialism.[1] The analysis of the nature of society sufficient to support such a claim need not, I take it, be extraordinarily profound; nor indeed is that furnished by Blanqui.

At the outset he vehemently denies the existence of the rule of law in society. Laws of human nature in the sense of uniformities of conduct are a *contradictio in adjecto*. The precise difference between man and nature is the presence of free will in the behavior of the former and the presence of a thorough determinism, which Blanqui calls fatalism, in the behavior of the latter. It is not that the uniformities of human conduct are more difficult of formulation than the laws of physics or chemistry, because perhaps of a greater complexity of the material, or a more persistent difficulty in isolation or observation, but that the mere supposition of such a uniformity is absurd.

> The word law has sense only in nature. What one calls law, an invariable rule, immanent and inevitable, is incompatible with intelligence and will. Everywhere man intervenes and there is no longer a question of law but of caprice and arbitrary action. The term law in such a situation is an impertinence, an hypocrisy, a swindle and, frequently, all these things together.[2]

As usual Economics, whose votaries have made more of a pretense to the enunciation of "laws" than the professors of other social studies, is put to scorn. "The pretended fatalism of economic laws which rule in society! A pure impertinence. Nothing is more arbitrary and more irregular than human processes and actions which vary at the instance of a million caprices. Nothing is less similar to the immutable and fatal order of nature."[3]

[1] *Revue Socialiste*, vol. II, p. 597 (1885).

[2] MSS. Liasse VII, Cahier E, p. 78 (1868).

[3] MSS. Liasse VII (1868).

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Blanqui's position on this matter is in direct opposition to that of the illustrious utopian socialists who preceded him. Both Saint-Simon and Fourier were not only convinced of the existence of uniformities of human conduct but also of the possibility, not to say the simplicity, of describing these uniformities in the form of laws. On the basis of their respective analyses of the laws of society both lay claim to the title of the Newton of the social sciences.

Since Blanqui was a frequent reader of contemporary philosophy the attitude of the positivists on this question of the possibility of formulating laws of human conduct came often to his attention. His criticisms of the positivist position frequently exhibit a certain shrewdness and penetration. He sees a fatal antithesis between determinism and free will in positivism. It claims, he says, that human conduct exhibits the uniformities of natural phenomena, that every action is the product of its antecedents and that there is no place for novelty either as the result of chance or of free will. At the same time it maintains the possibility of the infinite perfectibility of human institutions, the unlimited possibility of change in society by deliberate human action through the cultivation of science.

> Thus, on one side, the fatalism of social evolution which proceeds according to its own laws as the phenomena of nature, and on the other, the progress of society by means of the human will and conscious reflection, and through the fruit of experience. A strange contradiction which admits fatalism during the period of ignorance and suppresses it during the age of illumination.[1]

To Blanqui the possibility of continuous improvement of human institutions existed because and only because of the indeterminateness of human conduct.

If the pretended social sciences are not the product of systematic observation of the uniformities of human conduct, what are they? To Blanqui they are nothing but value judgments, and false value judgments at that. His views on this question may be illustrated most simply and clearly by his ob-

[1] MSS. Liasse VII.

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servations on economics, since this was the object of his most careful and continuous attention. The society of the economists has no more relation to reality, if as much, than the society of the socialist or the communist. They are both ideal constructions, the one representing the individualist, selfish and anti-social paradise of an exploiting class and the other an egalitarian régime in which coöperation and "*solidarité*" have supplanted egoism. "A single glance suffices to measure the abyss which separates socialism from political economy. They are two conceptions of society diametrically opposed. What is a virtue in the eyes of one is a crime to the other. Denial corresponds to affirmation, malediction to applause, panegyric to anathema." [1]

Although the society of the economist and that of the socialist both represent value judgments there is this difference between them. The ideal of the economist is determined by consulting the material interests of a small class, while that of the socialist is arrived at through a consideration of the welfare of the mass of mankind. And naturally one ideal is not as good as another. The social studies are really branches of ethics; the end of such studies should be the determination of the just order of society. "Justice is the sole criterion to be applied in human affairs." [2] A reasonable interrogation of the nature of justice in society leads to but one conclusion, socialism. The indifference of existing political economy to questions of true morality deprives it of all value as a social study." [3]

Blanqui has described for us the first impressions which the study of economics made upon him as a youth.[4] Acquainted with the son of J. B. Say, he was introduced to the father and encouraged to read the latter's treatise *On Political Economy*.

> On a young and ardent heart, political economy is like an icy douche. It is hard, dry, spiritless, bitter and sad; a visit to a

[1] *La Critique Sociale*, vol. I, p. 11.

[2] *Ibid.*, vol. II, p. 58.

[3] *Ibid.*

[4] As a brother of the economist, Jérôme Blanqui, L. A. Blanqui was early brought into contact with economic literature. During the course of his lifetime he read and criticized most of the work of the leading French economists of the middle of the century—a rather sterile group.

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> prison, to a hospital, to the dissecting tables; the grave of illusions and of generous dreams.
>
> In these arid pages, not a trace of the idea of justice, not an echo of conscience. Nothing but egoism, in its fierce aridity, the war of man against man, the code of mutual extermination.[1]

The effect of reading Bastiat's defense of interest was even more lugubrious.

> At these cutting words a shudder of terror made the book fall from my hands. So much assurance in so cruel an affirmation. What if this man were speaking the truth! What if human societies, as the animal world, were constructed on the plan of mutual extermination! What if men, in order to live, were condemned to devour one another! And, full of anguish, I dared not take up the book again, for fear of being overwhelmed with a crushing conviction.[2]

This is hardly the proper frame of mind in which to approach an examination of the problem of interest, but it was to this examination that Blanqui devoted most of his writings on economics. It is perhaps needless to say that his contributions on this subject were not great. They serve, however, to establish the fact that Blanqui was in the full current of nineteenth-century socialism and that his revolutionary attitude was accompanied by a theory, however ill supported, of the right of labor to its full product and of the unjustifiability of property incomes.

It must be said that his demonstration of the unjustifiability of such incomes is not entirely rigorous. He makes no distinction between various kinds of property income, e. g. between rent and interest. The definitions of capital current in contemporary political economy—embodied labor, or produced instruments of production—strike him as palpably absurd. All incomes other than wages, or wages of management, are only various forms of interest and as such represent theft from the laborer. "Capital is neither accumulated labor, nor an instru-

[1] *La Critique Sociale*, vol. II, p. 140.

[2] *Ibid.*, vol. I, p. 116.

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ment of production—capital is stolen labor." Its physical form does not embrace factories, machinery, farms, raw material and the like; capital is money. In the absence of any reason of Blanqui's for supposing the contrary we are led to believe that in a barter economy interest would be impossible. "What concerns us is the conviction, acquired by long experience, that the services of money are paid for very dearly. It has created usury, capitalist exploitation, and their sinister daughters, inequality and misery." [1]

Having got rid of the conception of capital as instruments of production, Blanqui (to himself), conclusively demonstrates that capital, or money, is essentially sterile and unproductive. In the course of an imaginary conversation between the worker and the capitalist the worker concludes:

> You give value to something which is really worth nothing. That, precisely, is the crime. The foundation of exchange is the equivalence of the objects exchanged. Money is only an intermediary between the two values. It has no other function. You buy it with your product. You must sell it again, against a product, for the same price.[2]

The appearance of interest upsets this equivalence in exchange. "Will the economists deign to explain", demands Blanqui, "why, after establishing in principle the equivalence of exchange, they destroy it by the loan at interest and construct this lovely equation, 100 = 105 or 110, 112, etc." [3]

As one would expect, Blanqui denies categorically the assertion of the economists that the wages of labor will be increased with an increase in the employment of capital. "To find more capital is precisely to open wider the door to misery. . . . The increase of capital is the increase of the tithe which it lays on the laborer, and this tithe is, precisely, the origin of all their ills." [4]

It might be supposed, after this analysis, that the remedy

[1] *La Critique Sociale,* vol. II, p. 161.

[2] *Ibid.,* vol. I, p. 22.

[3] *Ibid.,* vol. I, p. 11.

[4] MSS. Liasse II, p. 73.

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obviously called for is the suppression of the use of money, the institution of a barter economy. If capital is money and the interest on capital the source of all our ills, why not simultaneously eliminate both capital and interest by prohibiting the use of money? This does not satisfy Blanqui. The welfare of the proletariat demands the abolition of private property. The dividing up of existing property is no solution. "Let us say at once that equality does not mean the sharing of the land. An infinite parcellation of the soil will not change at bottom the rights to property. . . . Association, substituted for private property, will alone establish the reign of justice through equality."[1]

The essentially unintelligent *mêlange* of bold assertions and indignant condemnations which makes up Blanqui's writings on the subject of economics serves to demonstrate to his own satisfaction the following important conclusions. First, that the existing system of property ownership has led to the division of society into two classes, the exploited class of workers, and the exploiting class of proprietors. Second, that the interests of the proletariat and the cause of social justice will be furthered by the abolition of private property and the institution of a communist régime.

But this conclusion and the reasons which support it are made inaccessible for the mass of mankind by propaganda of one sort or another spread by institutions working in the interests of the possessing class. The most notable and the most dangerous of these institutions is the church. French socialism in particular and Continental socialism in general, as opposed to English socialism, has always tended to occupy itself with the religious question. In the case of Blanqui and his followers it stands on a parity in importance with the question of private property. "Atheism, Communism and Revolution" was the professed program of the party.

The Blanquists had their hands in a good many of the atheist and materialist journals published on the Left Bank in the 1860's, which usually lived a few numbers and then died. Blanqui's friend and disciple, Tridon, was the editor of *Candide*,

[1] MSS. Liasse II, p. 280.

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a paper devoted principally to combating "the cult of the supernatural". Blanqui wrote continuously for this journal, which appeared in 1865, under the name of Suzamel. Another young disciple, Rigault, projected a paper to be called *Le Barbare, Journal Matérialiste et Littéraire.* "The philosophical question," says the prospectus of this paper, "in spite of its evident importance, in spite of its intimate connection with the political question and the social question, is completely neglected by the political journals." In consequence *Le Barbare* will occupy itself with the "study of history to demonstrate the effects of faith. We shall show, for example, the French Revolution developing with atheism; we shall show it arriving at its apogee with the Commune of Paris, with the anti-religious agitation of Chaumette, with the profound and spiritual paper of Hébert."[1] Blanqui's own paper, *Ni Dieu, Ni Maître*, which he founded a few months before his death, devoted itself primarily to the religious question.

In part this opposition was the result of a philosophical repugnance to the doctrines of the church, in part of a belief in the identity of interest between the church and the possessing class, in part a mere following of the revolutionary tradition in France. The belief that the church was serving the interests of the possessing class was undoubtedly strong.

> There is no longer any other opposition [says Blanqui] than that of Jesuits and socialists. Reduced to these terms the question will not be long in debate. The opposition was really of this nature from the beginning and it has required much blood and suffering to join the issue squarely. We have now the alliance of Thiers and Montalembert, the close union of the bank and the clergy. The industrialists of Elbeuf collect themselves under the banner of Loyola; they will go to mass every Sunday for the salvation of the social order and of their *écus*.[2]

The church saps the desire of its votaries for progress, for social amelioration. It lulls to sleep the fierce sense of injustice of the proletariat and the peasantry. "Christianity de-

[1] See Jules Forni, *Raoul Rigault*, p. 88.

[2] MSS. Liasse I, Cahier B 3, p. 145.

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stroys the citizen and leaves only the sectary; it enervates, paralyzes, exhausts his social energy, suppresses his sense of duty toward the state, leaving merely a collection of travelers, burdens on their backs, ready for the next world and indifferent to anything else."[1]

This antagonism to the church and things religious translated itself into action during the Commune of Paris. Rigault and Ferré, two of Blanqui's staunchest followers, more than any one else were responsible for the execution of the Archbishop of Paris, the Curé of the Madeleine and other members of the clergy, hostages, during that May week in 1871.

Private property and the church, naturally, were not the only institutions of the existing order attacked by Blanqui. But he expended more of his ammunition on these targets than on any others. His destructive program may be summed up as nihilism, his constructive program, so far as he had one, as a communism the details of which he never tried to explain.

Blanqui exhibited all Marx's scorn of the utopian socialists who spent their time speculating on whether 1,800 or 3,000 would be the correct population for the ideal community of the future. To him any socialism which was not revolutionary was impotent and vain. In an often-quoted statement he declares, "Communism and Proudhonism dispute bitterly on the river bank as to whether the other bank is a field of corn or a field of wheat. They insist upon resolving this question before crossing the obstacle.—Let us get over first. We shall be able to see there."[2]

The effect of continuous debate on the details of the future society is to split into small groups and to weaken the socialist movement.

> The various doctrines which today compete for the favor of the masses will one day realize their promise of progress and of well-being, but on the condition that they do not abandon the bone for the shadow.
>
> They will end only in lamentable failure if people, following an

[1] MSS. Liasse I, Cahier B 2°, p. 142.

[2] *La Critique Sociale*, vol. II, p. 314.

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exclusive taste for theories, neglect the sole practical element of success, which is force.

Armament and organization, these are the decisive agencies of progress, the serious means of putting an end to oppression and misery.[1]

This continuous debate on social programs, in his opinion, had struck with impotence the French socialism of the first part of the nineteenth century. It is the opinion of certain authorities[2] that the ideas of Blanqui exhibit the influence of Saint-Simon, which had permeated the "Société des Amis du Peuple" in the early thirties. There is little evidence to support this opinion in the writings of Blanqui, which on the contrary are filled with rather frequent expressions of disdain for the Saint-Simonian system. Commenting on the statement that positivism had rendered two good services to mankind in killing Saint-Simonianism and Fourierism, Blanqui remarks:

Not at all! Positivism has saved nothing nor killed anything! Saint-Simonianism and Fourierism have died their own beautiful deaths without the help of anything other than common sense. They were condemned in advance by their foolishness; such extravagances could take no root. They have taken lodging in a few disordered brains and have found there their grave. Revolution, which alone can save humanity, is incompatible with the revelations of budding prophets.[3]

The socialism of the First International also left Blanqui cold. The French members of the International were mostly thoroughgoing followers of Proudhon whose lack of revolutionary theory or intention was not likely to recommend itself to Blanqui. He had intended to take some part in the first International Congress at Geneva in 1866 but changed his mind and ordered his followers in Paris not to attend. He was severely critical of the ideas expressed in the Bâle Congress in

[1] MSS. Liasse I, Cahier B 3°, p. 366.

[2] See in particular Tchernoff, *Le Parti Républicain*, p. 349, and *L'Extrême Gauche*, p. 6.

[3] MSS. Liasse VII, Apr. 3, 1869.

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1867, and in 1868, although the Congress was held in Brussels, where he was living at the time, he had not sufficient interest to attend the meetings. The motion of a leader of the French branch, Tolain, to admit only workers into the International was not calculated to please one with Blanqui's ideas on the revolutionary rôle of the bourgeoisie. "It means the intellectual and moral degradation" (of the workers), he asserted, "the proclamation of their inferiority as a class. It is a true abdication." Nor did he approve the support of coöperative ventures and schemes of mutual credit, so dear to the heart of the Proudhonists.

Such schemes can only have the effect of dividing the working class against itself. A coöperative venture is within the capacity of the upper level of the proletariat only. As a scheme of social amelioration it can have no utility for the vast mass of the working class. Not only that, but it helps to deprive this mass of its natural leaders, the abler and more energetic of the proletariat who become possessed by the interests, habits and customs of thought of the *petite bourgeoisie*. It is the negation of revolutionary socialism.

> Does one wish [he asked in 1867 [1]] to skim the cream of the people, to deprive it of its natural protectors, to make a new caste, a kind of demi-bourgeoisie, but more egoistic, because short of money, and, in consequence, more suspicious and brutally conservative? That is the final significance of that bastard expedient that is baptized in its cradle with the great name, resurrection of socialism, and which is only its negation, its tomb.

With the strike, however, Blanqui was in thorough sympathy. The organization of the working class into fighting units imbued with a determination to resist the agression of its natural enemy, the capitalists, is a plan which reaches the masses, and will strengthen the class-consciousness of the proletariat.

> The strike is intelligible to every one; it is a simple idea, resistance to oppression. Everyone will rally to it.
>
> Coöperation in all its various forms, credit societies, produc-

[1] See Dommanget, *op. cit.*, p. 58.

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> tive associations, is a complicated idea which can only seduce intelligences already developed, and which inspires fear and defiance in the ignorant. It will find ten adherents to ten thousand for the strike.[1]

Blanqui grasped this Marxian dilemma in thoroughgoing communist fashion. To the question of the correct socialist attitude toward non-socialist schemes of improving the condition of the working class Marx gave only a hesitant answer. Should the socialist favor such schemes if their result is, by raising the standard of living of the working class, to soften the antagonism between capital and labor? Blanqui spoke out clearly against any such amelioration.

This irreconcilable revolutionary communist was a person of some significance in French politics; of more significance than any other socialist in the nineteenth century with the possible exception of Louis Blanc. At two times in his eventful life, in 1848 and 1871, there was some possibility of his leading a temporarily successful revolution. On both occasions his power was destroyed on the eve of its fruition. In 1848 Blanqui was the leader and organizer of the most influential radical club in Paris, "La Société Républicaine Centrale." The personnel of this club was very heterogeneous—

> composed particularly of former members of secret societies, assembled not from the chiefs of the party but from the rank and file of the conspirators; a mixed personnel, where, by the side of sincere socialists, were to be found intriguers who thought it useful to follow Blanqui, suspicious characters, *agents provocateurs*, swindlers, *déclassés* who seemed to have allied themselves with the socialist cause only as a consequence of successive misfortunes, and desirous of revenge; a personnel very mixed also from the point of view of professions represented; journalists and men of letters, bourgeois of all professions, officials, doctors, lawyers, and finally militant laborers.[2]

It was the single radical group of sufficient importance to inspire fear in the provisional government, and the power of

[1] MSS. Liasse VII, Oct. 17, 1867.

[2] Suzanne Wasserman, *Les Clubs de Barbès et Blanqui en 1848*, p. 10.

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Blanqui during February and March grew steadily. He showed himself to be an organizer of talent and a rabble rouser of the first order. An historian of the Revolution of 1848 who often heard Blanqui gives us this description of his oratorical ability.

> His force as an orator was immense; his strident voice, shrill, penetrating, metallic, yet deadened like the noise of a tom-tom, communicated his fever to those who heard him. His eloquence, nourished, not from the purest sources, but from the most ardent and inspirited, had a savage character. . . . It was cold as the blade of a sword, as incisive and as dangerous, yet this eloquence warmed the sleeping enthusiasm of those who avidly listened to him.[1]

The strength and influence of Blanqui had attained proportions dangerous to the government when there appeared, on March 31, a document which deflated this power like a toy balloon. I refer to the so-called "Document Taschereau" which purported to be a demonstration that Blanqui had in 1839 betrayed his cause and his friends by giving information to the police on the personnel and organization of the secret societies to which he belonged.[2] Blanqui denied the allegation vehemently and published some weeks afterwards a reasoned reply; but the damage was done and he became for the time being a figure no longer to be reckoned with.

A second occasion on which it might have been within the

[1] Delvau, *Histoire de la Révolution de Février,* p. 318, quoted in Wasserman, *op. cit.,* p. 4.

[2] I do not intend to go into the history of this incident, which is complicated, obscure, and possesses a considerable literature of its own. Blanqui's biographer Geffroy devotes a considerable number of convincing pages to the demonstration of his innocence, and certainly Blanqui's thirty years in prison may be taken as evidence of the fact that he was not an ordinary police agent. On the other hand, Maurice Dommanget in his recent small and interesting book on Blanqui, published in 1924, is even more convincing on the other side. M. Dommanget cannot be accused of conservative prejudice, since he is a communist and a tremendous admirer of Blanqui. The incident, which takes up a disproportionate amount of space in the writing on Blanqui, seems to me to be relatively unimportant. I should be prepared, as is M. Dommanget, to accept the explanation of Malleville, a minister of 1839, who ascribes this revelation to the illness of Blanqui at the time; it was made in a moment of weakness and is entirely out of harmony with anything else in his career.

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power of Blanqui to dominate a successful revolution was in 1871. It is one of the ironies of history that he should have been arrested by government agents on the seventeenth of March, the day before the insurrection occurred. Although in prison he was elected to the communal assembly in the vote of March 26, by two *arrondissements*, along with a considerable number of his followers. In the Commune the Blanquists formed the strongest united group, though without a leader. They considered at the time and afterwards the absence of this leader a misfortune of the gravest importance. Everyone, one of their members has said,[1] felt himself opposed by a revolutionary problem beyond his courage and experience. "Regnard, Ferré, and particularly Rigault regretted constantly the absence of the great leader whom they had followed so long." They hoped for some time to release Blanqui through an exchange of hostages and offered the government of Versailles Monseigneur Darboy, the archbishop of Paris, and several score of hostages for Blanqui, but M. Thiers did not look with favor on the negotiation.

It is an open question whether the presence of Blanqui would have added anything to the strength of the Commune or whether he would have been able to dominate his colleagues. Maxime du Camp, the leading reactionary writer on the Commune, thinks not. "The release of Blanqui would have brought no new peril in addition to that with which it [the government] was already faced; it would have meant simply one more fool at the Hôtel de Ville, which was an insane asylum."[2] While refusing to associate oneself with this harsh judgment of the capacity of Blanqui or the "inmates" of the Hôtel de Ville, one may be permitted to doubt whether the presence of Blanqui would have added a single day to the life of the revolution of Paris. The opposition in the Commune to the revolutionary tactics for which Blanqui stood was probably too strong to permit him to dominate the assembly. And even if he had been able to assume a position of the first importance, the insurrec-

[1] Da Costa, *Commune Vécue*, vol. I, p. 411.

[2] Maxime du Camp, *Les Convulsions de Paris*, vol. I, p. 321.

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tion did not possess the material requisite for a successful revolution. But that he would have been an important figure in this temporary government cannot be doubted.

Thus in these two important revolutionary movements Blanqui was forced by circumstances to occupy an unimportant position. In the two attempts at revolution which he led with his own men, his failure bordered on the ridiculous. On May 12, 1839, with eight or nine hundred men, he attempted the overthrow of the government. The day being Sunday, a demonstration at the Champ de Mars had attracted a considerable number of people away from the center of town. He massed his men against the Hôtel de Ville and the governmental centers of the seventh and eighth *arrondissements*. A couple of barricades were erected, but the insurgents succeeded in attracting few adherents among the crowd and the arrival of the troops quickly put an end to this uprising.

The affair of the fourteenth of August, 1870, was of even shorter duration. The flood of reverses in the war with Germany had raised the revolutionary attitude of the Parisian populace to a dangerous pitch. Blanqui and his followers thought to take advantage of this and to lead a movement which would overthrow the government. He had perhaps a hundred followers whom the patrimony of one of his disciples had equipped with arms and ammunition. The attempt was made in Belleville, a proletarian and revolutionary quarter of Paris, Place de la Villette. Blanqui published later in his paper, *La Patrie en Danger*, a sad account of the affair.[1]

> The leaders of the enterprise had supposed that the gravity of the situation and the disorders of the preceding days would have been motives sufficient to rally the masses. . . . The fact is that in a quarter as revolutionary as Belleville the uprising was not able to gather a single recruit.

The net effect of the day's work was the death of one policeman.

These events in the active life of Blanqui exhibit him in the

[1] *La Patrie en Danger* (in book form), p. 49.

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course of applying his revolutionary theory without too great success. He was a capable revolutionary communist born, perhaps, a little before his time. Engels described him as a revolutionary in the old style,[1] and we might have imagined Blanqui shaking his head sadly, as did that inhabitant of Haiti,[2] and remarking bitterly, "The machine gun has killed politics in the same way that machine methods have killed art", if the Russian Revolution had not demonstrated that the political methods and revolutionary theory of Blanqui are not as *passé* as Engels had supposed.

Blanqui stands midway between Babeuf and Lenin and all three belong in that strong revolutionary line which during the past century and a half has been of such importance in France and Russia. Between Babeuf and Lenin stands the development of the industrial proletariat and the great body of socialist theory regarding the position, function and historic mission of this proletariat. Babeuf was the ultimate expression of Jacobinism,[3] which can hardly be called socialism; Lenin is the greatest modern leader of the socialist proletariat. Blanqui was part eighteenth-century Jacobin and part nineteenth-century socialist. The Jacobins were egalitarian and none of them more so than Babeuf. But only if socialism means egalitarianism were they socialist. A number of the Jacobins, and no one of them more than Babeuf, conceived the only road to equality to lie through communism, the abolition of private property.[4] But modern socialism takes its stand on the existence of the class struggle, the product of modern capitalism. It ostensibly transcends political and national boundaries. Jacobinism was in every way patriotic and saw no obstacle to this patriotism in an inevitable opposition within the nation of classes divided by economic necessity.

In this respect Blanqui is half Jacobin and half socialist. He is patriotic with the Jacobins and with the socialists is con-

[1] Engels, *loc. cit.*

[2] See Paul Morand, *Magie Noire*, p. 19.

[3] See Espinas, *La Philosophie Sociale du XVIII^e Siècle*, p. 196.

[4] See Buonarroti, *Conjuration des Égaux*, p. 50.

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vinced of the inevitability of class struggle. His patriotism was unquestioned. To him France is the sole guardian of the sacred fire of civilization and the others are barbarians. In 1870 he called his paper *La Patrie en Danger* and devoted it almost exclusively to questions involved in the defense of Paris. He stigmatized the German invaders as "Vandals", "Goths", "barbarians" in a manner which would have done credit to 1914. In the first number of *La Patrie en Danger* he urged all opponents of the government to forget their differences and rally to the common cause. "Do not forget that to-morrow we are going to fight, not for a government, not for interests of caste or party, not even for honor, principles or ideas, but for what is the life and breath of all, for that which constitutes humanity in its most noble manifestation, for country."[1] His hatred of things foreign was not limited to the Germany of 1870–71. On many occasions England, the traditional enemy of France, came in for its share of condemnation.[2]

Yet Blanqui went far beyond Jacobinism in the direction of socialism. As has been pointed out, he has a definite theory of class struggle based upon some analysis, however weak, of the economic organization of society, and he identifies the welfare of society with the welfare of the proletariat in true socialist fashion. To Marx in 1848 he was truly socialist because the real leader of the Parisian proletariat,[3] and Lenin himself says of Blanqui that he was an "undoubted revolutionary and a strong supporter of socialism."[4]

[1] *La Patrie en Danger*, Sept. 8, 1870. See on Blanqui's patriotism, J. Tchernoff, *L'Extrême-Gauche Socialiste-Révolutionnaire en 1870-71* (Paris, 1918), p. 4.

[2] Blanqui is bitter though amusing on the subject of the gallicization of English words. E. g. MSS. Liasse I, Cahier B 3°, p. 206. "Club—cloub!—cleub!—Ah! oui, cleu-eu-eu-eub! Est-ce que sous prétexte d'Etymologie, nous allons être condamnés aux glapissements britanniques? Qu'est-ce que cette invasion d'Outre-Manche, cette descente des nez dans les bouches? Faudra-t-il, aussi, par fidélité aux origines, appeler désormais Raiding-Côôôôôt notre vêtement aux longues basques, dont la coupe et le nom viennent d'Angleterre? Allons-nous substituer à l'accent net, simple et bref de notre langue si claire, toutes les intonations du miaulement anglais? Laissons à ces miaulements leur spécialité qui est de distraire, dans les entr'actes, le poulailler de l'Ambigu-Comique."

[3] See *18th Brumaire.*

[4] *Uroki Kommuni*, 1908. *Collected Works*, vol. XI, p. 509.

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Babeuf, Blanqui and Lenin all pinned their faith on a compact group of convinced and determined men as the proper organization of a revolutionary party. All were convinced revolutionists certain of the necessity of destroying by force the agencies of existing government. All were convinced of the necessity of a dictatorship, either individual or collective, during the period of transition between the old order and the new. This transitional period and the problems it must bring were actively and continuously discussed by Babeuf and his followers.[1] He as well as Blanqui and Lenin was persuaded of the necessity of terrorism, of making "a just example, capable of frightening the traitors and of securing to those whom the people honored their confidence in the future."[2]

None of these revolutionaries had much respect for democratic forms of government. To Babeuf and Blanqui the proper organization of society was a simple deduction from a few natural law postulates. To all three the vast mass of the population was unfitted by improper education to legislate on questions of economic and political organization. To Babeuf the truly enlightened were found in the group of Paris revolutionaries; this group was the only one capable of acting for the interest of the state. To Blanqui the enlightened were the Paris proletariat and a group of bourgeois *déclassés* who must be given the dictatorship in the interest of the French proletariat. To Lenin the advanced and class-conscious element was the city proletariat. There is a difference in scope and in detail, but the revolutionary theory of all three runs on the same general lines.

Viewed in the light of the present significance of this revolutionary theory, Blanqui is entitled to a more considerable position in the history of communism than historians have customarily assigned him.

EDWARD S. MASON

HARVARD UNIVERSITY

[1] See Espinas, *op. cit.*, p. 259.

[2] Buonarotti, *op. cit.*, p. 93.

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WAR INDEMNITIES AND BUSINESS CONDITIONS II

THE foregoing discussion[1] of the theories of international debt payments, as applied to Germany's capacity to pay reparations, has cleared the ground for consideration of a final problem—the effect of such payments upon business conditions.

The classical school, as we have already seen, maintained that the discharge of a war indemnity would confer upon the creditor country a double benefit accruing from the receipt of the tangible wealth representing the war indemnity and from the lower prices paid by the creditor for all imports from the debtor country, which, in its turn, would suffer a double loss for the same reasons.

The logical consistency of this theory is beyond doubt; its weak point is that it is too abstract. It does not take into account that ours is a business economy in which the purpose of economic activity is primarily to make profits and in which, consequently, business activity, employment, interest rates, etc., are determined, as to both volume and trend, by business profits. A large supply of goods, therefore, does not necessarily connote prosperity and a small supply of goods does not necessarily mean depression. If ours were a communistic economy we should, indeed, expect the receipt of a war indemnity to result in, or rather to be tantamount to, a greater well-being of the population. In this case the larger supply of goods due to the payment of the indemnity would induce the authorities directing national production and distribution to shorten hours of labor or to increase the allowance of consumption goods granted to each member of the community, or both. Probably even then a few economists, following a type of analysis with which Friedrich List has familiarized us, would regard the indemnity as a gift of doubtful value, arguing that

[1] The first part of this article was published in the POLITICAL SCIENCE QUARTERLY for September, 1929, pp. 334-62.

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it decreased "the productive powers" and hence the real wealth of the nation. Probably, however, the heads of the official producing and distributing agencies would reject such arguments as being too abstract and too far-fetched. This objection can hardly be made in the modern business economy against those skeptics who hold that war indemnities decrease business profits; such skepticism, if justified, would be very practical indeed. It is, then, with the effects of war indemnities upon business profits that we must primarily concern ourselves if we want to determine their effects on business conditions.

On *a priori* grounds, we may expect that the immediate effects of a war indemnity on business profits in the receiving country will differ according to the mode of payment. If the effective discharge of the war indemnity is brought about by "payments in kind", it will at once result in cutting down business profits in those industries with the products of which the commodities delivered compete. This mode of payment will tend to bring about depression in a series of industries; this depression will be specific or general according to the importance of the industries affected. The ultimate as well as the immediate effect of the war indemnity in this case would be to engender a partial and perhaps a general decline of business profits in the creditor country.

More interesting from the theoretical and more important from the practical point of view is the case in which payment is effected in money. In this case the immediate effect of the payment is to enlarge circulation and thereby to raise prices and business profits in the creditor country, this effect leading in turn to an expansion of business activity. This expansion will continue until the unfavorable balance of trade created by the high level of prices in the creditor country reduces its monetary stock sufficiently to check the rise and, finally, to bring about at least a relative decline of the price level.[1] The

[1] In modern times capital imports and capital exports act on the country's monetary circulation mainly by expanding and contracting the volume of deposit currency. *Cf.* National Industrial Conference Board, *The Interallied Debts and the United States* (New York, 1925), p. 188.

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fall of prices will result in a decrease of profits; the business of the country will pass through a period of recession and finally enter into a period of depression.[1]

The payment of the war indemnity in money would, then, be one of those "extraneous forces" tending to produce a "business cycle" by raising the price level. The theory of business cycles entitles us to expect that the level of profits in the creditor country will be substantially lower at the end than at the beginning of this development. For the creditor country the final result of the discharge of the war indemnity would be a decline in business profits, although its immediate effect had consisted in enhancing them.

It might be asked whether these detrimental effects on the economy of the receiving country are unavoidable. This question has been much discussed in connection with the disappointing results, for Germany, of the Franco-German War indemnity of 1871. On this score Adolf Wagner has advanced interesting suggestions, although he cannot be quite absolved from the charge of being wise after the event. In an article written in 1874[2] he remarks that most of the adverse effects of the indemnity on German business might have been avoided if the use of the war indemnity by the German government had been different: the best thing that could have been done with the payments received would have been to use them for carrying out public works on a large scale; the next best would have been to keep the indemnity invested abroad. Let us now investigate how the application of either of these devices would modify the economic consequences which we were led to expect on theoretical grounds.

If, to take the second alternative suggested by Wagner, the indemnity is kept invested abroad, none of the effects which have been attributed to its transfer will take place, for the

[1] "If the transfers are large relative to the general wealth and trade of the country, a period of financial and industrial expansion and of prosperity usually follows. The expansion is apt to be overdone however, and may even lead to a crisis and subsequent depression." *Ibid.*, p. 187.

[2] Adolf Wagner, "Das Reichsfinanzwesen", *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft des deutschen Reichs* (Leipzig, 1874), p. 230.

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simple reason that there has been no transfer in this case, at least as far as the creditor country is concerned. The payments received as interest on these foreign investments will be a factor of negligible magnitude for the national economy, even if the interest is disbursed at home rather than reinvested abroad. Keeping the war indemnity invested abroad will thus provide a perfect solution of the transfer problem for the creditor country: it will avoid the disturbance of economic life which invariably follows the conversion of the payment into national currency and it will also contribute to the reduction of the tax burden by opening up a new source of revenue in the form of interest on the foreign securities owned by the state. The trouble with this solution is, however, that the state is little adapted for the rôle of an international investment trust and, moreover, that the ownership of foreign securities by the state is liable to arouse the suspicions and susceptibilities of the debtor nations. This solution, then, would at best prove to be an ample source of international friction.

The adoption of Wagner's first alternative—consisting in the use of the indemnity for the construction of public works—would likewise avoid most of the economic disturbances which the receipt of a war indemnity would otherwise entail. If the war indemnity were received in kind the increased supply of goods would be met with an increased demand and there would be no reduction in the activity and in the profits of national industries. If the indemnity were received in money the increased credit supply would be countered by an increased credit demand on the part of the industries engaged in the construction work; an excessive fall of the interest rate and the consequent "boom" would be avoided, provided the government were able to synchronize the expansion in the supply of credit with that in the demand for credit by a gradual release of the funds obtained. The drawback of this solution is that it amounts to an increase in public expenditures and, therefore, fails in the avowed main purpose of a war indemnity, to reduce the national debt and the tax burden of the victorious country.

The solutions suggested by Wagner would, then, eliminate most of the economic disturbances following the receipt of a

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war indemnity, but only at the expense of inviting other, and perhaps more serious, troubles.

The effects of the discharge of a war indemnity on the debtor country will be the exact reverse of those which we were led to expect in the case of the creditor country. If indemnity is paid in kind the additional demand for the commodities of which the payments are composed will enlarge activity and increase profits in the industries producing them; this partial expansion of business activity may or may not become general according to the importance of these industries in the given economy. This will then be the immediate as well as the ultimate effect of the payment. On the other hand, if the payment is effected in money its immediate effect will be to lower the price level and to reduce business profits in the debtor country. The state of business depression thus brought about will last until the transfer of the war indemnity has been completed by means of the increase in exports, the disposal of foreign securities, or the importation of foreign capital. These factors which have enabled the debtor country to discharge its political debt will not stop operating after this debt has been discharged; the influx of foreign gold and bills of exchange into the debtor country will continue as long as prices are lower and interest rates are higher there than elsewhere. After the indemnity has been discharged we may, therefore, expect a gradual increase in the debtor country's monetary stock, which, by raising the price level, will augment business profits and expand business activity. Business will pass from the phase of depression into that of recovery and prosperity. The final result of the payment will then be to raise profits in the debtor country, although its immediate effect was to lower them.

If we were to fix our attention solely upon the effects of a war indemnity on the short-time changes in business conditions, upon the "cyclic fluctuations of business"—to use the current term—we might be inclined to argue that war indemnities are beneficial to the tributary and detrimental to the receiving country. From this point of view we could well understand the statement attributed to Bismarck that he would insist on

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paying France a war indemnity if Germany should wage another victorious war against that country. This view, however, would be superficial inasmuch as it would fail to take account of the possible effect of the payment on the long-term development—on the "trend"—of business activity in the countries concerned. It would disregard the fundamental fact that, after all, the payment of the war indemnity means a loss of wealth for the payer and a gain of wealth for the receiver, although much of the wealth gained may be wasted and much of the wealth lost may be recovered by the mechanism of the cyclical process described. The lasting effect of a war indemnity is to increase the public debt and the tax burden of the debtor country which tends, *ceteris paribus*, to restrict production in the long run, while, *ceteris paribus*, the opposite effect is exercised on taxation and productive activity in the creditor country.

We have already noticed, however, that in modern times there is always a possibility—within certain limits—of offsetting the effect of increased taxes on business activity by raising the efficiency of production and distribution. In this respect the debtor country possesses an advantage of a psychological sort which may become very large under certain circumstances. The consciousness of defeat and of the losses thereby sustained will, as a rule, render entrepreneurs and workers in the debtor countries more inclined to make the sacrifices which a process of "rationalizing" business methods always involves during a period of transition; the consciousness of victory and of the gains thereby secured, on the other hand, will decrease the willingness of business men and workers to face the monetary losses of such a "rationalization". For this reason the debtor country may, in the end, find itself in a sounder economic condition than the creditor country, in spite of the capital losses suffered and in spite of the burden of higher taxes.

We have now to investigate the possible effects of the payment of a war indemnity on business conditions in neutral countries, a problem which, to our knowledge, has not yet been systematically treated. The conclusions we are to arrive at become obvious if we remind ourselves of the ways and means

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by which the tributary country discharges her obligation: this is done, as we have seen, by the creation of an export balance, by the sale of foreign securities and by the raising of foreign loans.

In so far as payment is effected by increased exports, there will be a tendency toward diminishing sales and business profits in the export industries of competing countries. In so far as the payment takes place by the disposal of foreign securities, this disposal will tend to depress their prices and the purchase of these securities by new investors will absorb funds which otherwise would have been free for additional investments. Finally, in so far as the indemnity is paid by the raising of foreign loans, an additional demand for credit is created competing with the demands already in existence and partly eliminating them by the offer of higher interest rates. Our conclusion, then, is that the payment of a war indemnity tends to create world-wide depression by cutting down profits in export industries and restricting the credit supply for all industries the world over. The extent to which this tendency will make itself felt will depend, of course, upon the size of the war indemnity and upon the strength of eventual counter-tendencies.

Our theoretical considerations on the effects of war indemnities on the countries directly concerned as well as on neutral countries are amply verified by experience.

From all the information which we possess on economic conditions in France during the Napoleonic era it is evident that business activity and employment were generally on a high level during that period, and that this high level was at least partly due to the increase in the country's monetary stock occasioned by the receipt of tributes. Business activity and employment seem to have been maintained on a high level during this entire era with occasional setbacks due to the influence of "random" factors. Aside from the abnormal demand for goods created by the incessant war activities and the comparative isolation in which, because of the war and also because of the inadequate transport facilities of that time, France found herself, this result seems to have been due to the extensive program of public works carried out by the French

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government. These factors prevented the recession and depression which we should have expected by virtue of theoretical reasoning. The effect of the war indemnity which France had to pay Prussia after the battle of Waterloo was more in accord with our theory. Here the payment of the indemnity resulted—in connection with other preceding factors (like the immigration of French and Dutch exiles bringing with them considerable fortunes, the temporary delivery of Continental industries from British competition, etc.)—in a boom which Sombart calls the "*Gruenderperiode im Anfang des 19. Jahrhunderts.*"[1] In this case, however, the rise in prices had the expected effects: it brought about a heavy import balance, especially in the trade with Great Britain, which resulted in an equally heavy reduction in Prussia's monetary stock. According to the best estimates available the amount of precious metals exported to England from the Continent was in the neighborhood of thirty million pounds during the years 1821 and 1822 alone.[2] This unprecedented drain on the monetary stock brought about a crash toward the beginning of the twenties from which business in Prussia and in Germany generally did not recover until the end of the forties.

A still more complete verification of our theory is found in the phenomena observed in connection with the discharge of the Franco-German War indemnity of 1871. The payment of the indemnity resulted in a rise of the German price level and was one of the factors, perhaps even the main factor, responsible for the feverish business activity which characterized the first two years after the Peace of Frankfort, and which ended with the famous crash of 1873. Again, this crash was followed by a long period of depression in Germany which lasted until the end of the seventies. During this entire decade, too, Germany's foreign trade was heavily passive and not until the end of the seventies was her import balance reduced to somewhat normal proportions.

[1] Werner Sombart, *Die deutsche Volkswirtschaft im 19. Jahrhundert* (Berlin, 1903), p. 86.

[2] *Ibid.*, p. 88.

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France, on the other hand, was of all countries the least affected by the crisis, the stringency prevailing on her money and capital market during the discharge of the indemnity and immediately afterward being an effective curb on speculative activity. Neither the stringency of credit nor the decline in the price level was, however, sufficiently marked to exercise a notably adverse influence on her volume of trade. In the whole period during which other countries, and Germany in particular, were in the throes of the worst crisis prior to the post-war slump of 1920, business activity in France proceeded on a fairly high and fairly steady level. Since France, moreover, had been able to recover the losses in her foreign investments due to the payment of the indemnity as early as 1875 by obtaining an export balance to the amount of one billion francs and by reinvesting the interest on her foreign securities, we may hold that toward the end of the seventies the French economy was in at least as good shape as the German economy, and that the different trends in the economic development of the two countries from that time on were due to reasons other than the payment and the receipt of the war indemnity.

Our theories concerning the effect of a war indemnity on neutral countries have also been verified. Again the events following the discharge of "reparations" during the Napoleonic era contain very little in the way of either an endorsement or a refutation of our *a priori* reasoning, but again the experiences in connection with the payment of the French indemnity of 1871 are fully in accord with what our theory would lead us to expect. Since the French war indemnity was paid only to a small extent by the creation of an export balance, its tendency toward increasing French competition on the world market was very slight. Of considerable importance, however, were its effects on the international money and capital market. One consequence of this transaction immediately arrested the attention of economists and business men alike: it was the purchase of large quantities of gold in London by the German authorities with the help of the foreign exchange obtained from the French government. These gold purchases were doubtless instrumental in aggravating the panic in 1873 inas-

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much as they weakened the position of what was then the world's central money market and thereby diminished the assistance which could come to embarrassed debtors from this source when the crisis finally arrived.

Another and perhaps still more important consequence has escaped the notice of investigators: this is the effect which the temporary suspension of French and German investment activities abroad had on business conditions in the countries affected by it, and primarily on business conditions in the United States. To be more specific, the payment of the French war indemnity doubtless resulted in preventing an expansion of French foreign investments from the beginning of the war in the summer of 1870 until about the end of 1875, i. e. until the recovery by France of the capital losses caused by the payment of the indemnity. It is also pretty certain that during the first half of this period (i. e. until the end of 1873) substantial amounts of American securities were disposed of by French investors in favor of the French government bonds issued for the purpose of paying the indemnity. A similar development took place in Germany, where the boom for which the receipt of the indemnity was partly responsible induced the public to invest its current savings in German rather than in foreign securities, and also led it to sell part of its foreign holdings in order to invest the proceeds in Germany. It is true—so far as the United States is concerned—that this decline in French and German investments was partly offset by an increase in British investments due to the fact that friendly relations between these two countries (disturbed by the famous *Alabama* incident) had been restored by the conclusion of the Arbitration Treaty of 1871 and due to the further circumstance that a considerable amount of idle funds had been accumulated in England since the unsettled political state of the Continent had discouraged British investment there during the preceding period. A substantial part of this increase, however, was doubtless required to absorb the American securities thrown on the market by France and Germany, and the rest could not have been of great assistance in financing such gigantic undertakings as the doubling of the American railway net within

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seven years. The events indicated may, therefore, go far in furnishing the link between these two seemingly isolated phenomena: the European and American crises of 1873.[1]

Both theoretical considerations and past experiences concerning the effects of war indemnities on business conditions are of value for our purpose only if and in so far as they allow us to give an approximately correct forecast of the economic consequences of German reparation payments.

There are two differences between reparations and the war indemnities discharged in the past. The first difference consists in their absolute and still more in their relative magnitude, a difference which may be best grasped by considering that in 1871 France was able to pay the indemnity within five years out of the *interest* on her foreign investments (plus a modest export balance and a small reduction in her monetary stock), while the *principal* of Germany's foreign investments has been lost without reducing her reparation burden even to the slightest extent. The second difference, which partly results from the first, is the length of time during which payments will take place. In the past indemnities have been paid in a few installments extending over one or two years; German reparation payments, on the other hand, will extend over a period which is still unknown, but which will certainly amount to several decades.[2] While in the past the direct effect of war indem-

[1] The facts referred to have been mainly gathered from the 1871-73 issues of *The Commercial and Financial Chronicle*. It is quite characteristic of the unlimited optimism of the "boom" period and its inability (or perhaps unwillingness) to observe any developments which might be detrimental to this optimism, that even this very conservative publication commented on these events in the following rather strange fashion: during the whole boom period the attention of the reader was constantly fixed on the increase in British investments, and the decline in French and German investments was not mentioned; on the other hand, after the collapse on the stock exchange in Vienna, which was the first sign of the impending disaster, the journal reassured its readers by pointing out that this collapse could not affect American securities very much (as, indeed, it did not) since a large part of them had already been previously disposed of by the Continental investors.

[2] These lines were written before the Young Plan had been adopted by the Committee of Experts then deliberating in Paris. The Young Plan provides for fifty-nine annuities, the first thirty-seven of which are to be paid entirely out of Germany's own resources, the last twenty-two to be discharged with the

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nities on business conditions (i. e. the effect exercised through the medium of capital supply and interest rate) was of very short duration and only the indirect influence (due to the change in national debt and taxation) persisted through an appreciable length of time, we must now expect both the direct and the indirect effects to persist throughout several decades. The difference in magnitude between these and previous indemnities, on the other hand, makes it fairly certain that the longer duration of payments will not lessen the intensity of their influence on economic conditions.

The amount of reparations paid by Germany during each year has constituted twenty to twenty-five per cent of Germany's national savings, although it may be expected that this fraction will be smaller in the future. It is therefore safe to predict that the payment of reparations will considerably intensify the shortage of capital which characterized the German economy even before the war and which, since the war, has become much more marked on account of inflation and the losses in productive equipment brought about by the peace treaty. The main effects of reparations on the German economy will be exercised through the medium of restricting capital supply and raising the rate of interest.

The effect of a decline in the capital supply on the "trend" of business activity would be—*ceteris paribus*—to bring about a gradual decline in the volume of production. On account of a factor which we have already mentioned, i. e. technical progress, capital shortage in Germany will result in a check on the growth of the volume of trade rather than in its absolute diminution. The check will be an effective one, however, since a limited capital supply and a high rate of interest will discourage better methods of production in so far as their application necessitates a large outlay of capital. Many investments which would be profitable at an interest rate of five or six per cent

aid of profits accumulated in the meantime by the Bank of International Settlements. The funds set aside for this purpose constitute twenty-five per cent of the bank's earnings remaining after the prescribed payments to the Legal Reserve Fund, the shareholders and the General Reserve Fund have been made. *Cf. Report of the Committee of Experts on Reparations* (His Majesty's Stationery Office, London, 1929), pp. 16-17, 47-48.

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become unprofitable at a rate of seven or eight per cent. High taxes and the prospect of having to pay interest and principal in money of higher purchasing power are likely to act as further deterrents. On the other hand, we may expect that a better organization of German business will result in a better utilization of the capital invested, inasmuch as it will prevent capital from being wasted in competitive efforts. In brief, the effect of capital shortage on the trend of business in Germany will be aided and counteracted by the same factors which we have enumerated as determining Germany's future capacity to pay.

Still more marked than its effect on the volume of production will be the influence of capital shortage on the trend of employment: *Ceteris paribus*, it will result in decreasing employment, and in this case this original tendency will be emphasized by the factor of technical progress, since technical progress almost invariably amounts to an increase in the quantity of capital employed per worker. We may thus expect a tendency toward chronic unemployment to persist in Germany during the whole period of reparations, although this tendency will most probably not be apparent during the next decade, in consequence of the relative decrease to be anticipated in the German working population as a result of the decline of the German birth rate during and immediately after the war.

The effect of reparation payments on the short-time or "cyclic" fluctuations of business may be expected to consist in shortening periods of prosperity and lengthening periods of depression. Phases of prosperity will be shortened because the capital funds out of which the increased business activity is being financed will be more quickly exhausted; the phases of depression, on the other hand, will be lengthened because the drain on the country's capital exercised by the current reparation payments will delay the accumulation of funds sufficient to encourage a new expansion of business activity. It is highly improbable that this tendency will be checked by any counter-tendency of appreciable force. On the contrary, it is to be expected that it will be strengthened by the presence of a tendency working in the same direction: the gradual decline

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in the price level which is almost universally being forecast for the next decades.

Somewhat less clear than their effect on the duration of the cyclical "phase" is the prospective influence of reparation payments on the amplitude of the "cyclic fluctuations" in Germany. It might be argued, on *a priori* grounds, that they will tend to decrease this amplitude because the chronic capital shortage which they engender will act as a brake on the over-expansion which turns recession into crisis. Apart from the fact that this function of preventing a crisis is already adequately fulfilled by our modern banking system, this analysis would be incomplete inasmuch as it would not take account of the powerful and rather erratic factor of foreign credits. That this factor will work toward increasing the amplitude of cyclic fluctuations in Germany seems probable on theoretical grounds as well as on the basis of past experience. Whenever there is a period of recovery and prosperity in Germany there is likely to be a wave of universal optimism concerning Germany's economic future which will lead foreign capitalists to subscribe heavily to German loans and to invest heavily in German stocks; the reparation problem will be forgotten for the time being. When the tide turns and recession begins the reparation problem will again loom large in the eyes of the investing public, the question whether Germany is able to pay her reparations will again be hotly discussed, and likewise the problem whether Germany's commercial debts hold precedence over her political debts or *vice versa*. All this is liable to lead to a precipitate withdrawal of foreign capital from Germany in times of business recession with the possible consequence of turning recession into crisis. A development of this sort is still more likely to happen if the "transfer clause" of the Dawes Plan should be abandoned, entirely or to a large extent, in any future settlement, because the essence of this provision is to give, in fact if not in law, the first claim on Germany's resources to the private creditor.[1] Experience has shown that

[1] The transfer protection of the Dawes Plan has been retained by the Young Plan, although its form has been modified. Germany is now obliged to pay reparations in foreign currencies (instead of German marks as under the

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the Reichsbank alone is unable to control and direct the influx and outflow of foreign capital to any appreciable extent and it seems highly doubtful whether this can be done more successfully by coöperation between central banks; it is more probable that the movement of foreign capital to and from Germany will remain a danger to economic stability in that country, and for this reason extreme care should be exercised in any attempt to alter or abandon the protection of the transfer clause in a future settlement.

Finally, we may expect reparation payments to result in increasing the seasonal fluctuations of business activity and employment in Germany. The capital shortage which they tend to engender makes hand-to-mouth buying a necessity on the part of wholesale and retail trade. The same factor makes it difficult for industry to maintain its level of activity by producing on stock during slack seasons, so that fluctuations in buying activity are immediately followed by fluctuations in productive activity. Sering[1] is probably right when he points to the large fluctuations which employment in Germany has undergone during each year since the acceptance of the Dawes Plan as a proof of the shortage of capital, although it is very difficult to ascertain just how far these fluctuations have been due to the operation of seasonal forces.

Summing up, then, we may conclude that the tendency of reparation payments with regard to the "trend" of economic development in Germany will be to act as a brake on the long-time rise of productive activity; that the effect on the "business cycle" will tend to lengthen depression and to shorten

Dawes Plan), but she is free to postpone payment on all except the "unconditional" part of her annuities. Whether the figure of this unconditional part—amounting to 660,000,000 marks or about one-third of the total annuity—is really as conservative as the experts hold it to be may be doubted. If the experts have been too optimistic, their mistake will presumably be corrected in time. These payments will not become really unconditional until the part of the German reparation debt represented by them has been fully "commercialized" and "mobilized". This process of "commercialization" and "mobilization" will probably extend over a considerable period during which more will be learned about Germany's capacity to pay than we know at present.

[1] Sering, *op. cit.*, pp. 170 *et seq.*

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prosperity, aside from presumably increasing the amplitude of "cyclic fluctuations" through the medium of foreign credits; and finally, that the amplitude of seasonal fluctuations will be increased. In all cases these tendencies will be counteracted by the factor of technical progress, upon which will depend the extent to which these tendencies will become realities.

Turning now to the presumable effects of reparation payments on the neutral and on the creditor countries, it may be expected that they too will differ from those experienced in the past. In the case of the neutral countries the difference will be only a difference in degree: the long period over which reparation payments are extended will generally weaken the tendency toward universal depression which the payments of war indemnities are liable to exercise, since, under these circumstances, the amount of the German export balances and the amount of foreign loans needed for the transfer of reparations will be smaller during each year than it would be otherwise.[1] Nevertheless, it seems fairly certain that the continuous credit demands on the part of Germany will constitute an important factor in counteracting the tendency toward a decline in the interest rate to be expected in consequence of continued capital accumulation and also in consequence of the presumable decline in the price level. We may also predict that German competition on the world market will prove to be somewhat embarrassing to other exporting countries during the next years since Germany's exports will have to be increased by approximately one billion dollars in order even to bring about an equilibrium between her exports and her imports.

[1] The conditions described may or may not be temporarily changed by a commercialization of the non-postponable German annuities. Whether they are will depend upon the form in which commercialization is effected. If it takes the form of a large foreign loan contracted by Germany, we may expect a repetition of events observed in connection with the raising of the French foreign loans during 1871-73. If, on the other hand, it takes the form of internal issues made in the individual creditor countries by way of conversion of government debts, international capital markets would not be immediately affected. In the long run, however, our conclusions will always hold true because the way in which reparation debts are ultimately discharged is not conditioned by the shape into which they have been cast.

[2] The German import balance amounted to *ca.* 600 million dollars during

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If this expansion of Germany's foreign trade is not to be effected at the expense of the other countries, a corresponding increase in the total volume of world trade will have to take place at the same time. Such an expansion of world trade, however, cannot be an isolated phenomenon; it will have to form a part of a general increase in the level of production, which in its turn would have to be traced directly to better production methods, i. e. to technical progress.[1]

Coming, finally, to the effects of reparations on the creditor countries, we may expect these effects to be different, in degree and in kind, from those previously experienced by the receivers of war indemnities. Theoretical considerations have led us to conclude that the immediate influence of the payments on business conditions in the creditor countries will vary according to whether the payments are discharged in kind or in money; in the first case the payments would immediately tend to bring about depression, in the second case the immediate tendency would be toward increasing business activity. This theory was actually verified by Germany's experiences upon the receipt of the French war indemnity from 1871 to 1873. Our theory, however, was based upon the assumption that the payment of the war indemnity would be made in a few large installments during a short period of time, and this is what actually happened in the case mentioned. Reparations, however, in so far as they are paid in money, will be discharged by a large number of small installments extending over a long period of years;

the fourth year of the operation of the Dawes Plan; at the same time imports were still *ca.* 400 million dollars below their level of 1913, which must be regarded as the import minimum required by Germany in the long run, on account of the losses in raw materials and foodstuffs which Germany suffered in consequence of the peace treaty.

[1] The connection between the successful working of their reparation scheme and the expansion of world trade has been recognized by the experts in the following very diplomatically worded passage of their report: "Moreover, in so far as the task of transferring the payments into foreign currencies involved, besides a restriction of imports, an extension of German export trade, we envisaged the possibility of a financial institution that should be prepared to promote the increase of world trade by financing projects, particularly in undeveloped countries, which might otherwise not be attempted through the ordinary existing channels." *Report of the Committee of Experts*, p. 9.

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the consequence will be that the effect of each installment on the monetary circulation of the creditor country will be insignificant, and moreover, the effect which one installment tends to bring about will be counteracted by the tendency produced by the next installment. The immediate tendency toward raising business activity exercised by a payment discharged now will be neutralized by the final tendency toward reducing business activity due to the installment discharged, say, two years ago. The result will be that the immediate economic consequences of the receipt of reparations will be identical with their ultimate consequences, not only in the case of payments in kind, but also in the case of payments in money. Both methods of payment will immediately tend to reduce business profits and business activity in the creditor countries by increasing foreign competition for their home industries.

The economic mechanism by which this result is achieved will, however, be different in the case of payments in money from that which we have previously analyzed. In previous cases the ultimate decline of profits and economic activity in the country receiving war indemnities was brought about by the decline of its price level which set in when the operation of the "Ricardian mechanism" had again reduced its monetary stock temporarily expanded by the receipt of the indemnity. In the present case the reduction in the business profits of the creditor countries will be brought about in a different way. As long as reparations continue there will be no decline in the price level of the creditor countries; on the contrary, this price level will be—*ceteris paribus*—higher than that of the countries which are not receiving reparation payments. This higher level on which prices in the creditor countries will be continuously kept throughout the entire duration of reparation payments will, after a while, be reflected in higher costs of production for their industries. The same factor will also tend to subject industries in the creditor countries to heavy competition from industries in other countries which do not receive reparations and which, therefore, have (*ceteris paribus*) a lower price level and lower costs of production. This competition will obviously tend to lower business profits in the industries of

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the reparation creditors.[1] The immediate and the ultimate economic consequence of reparations will, then, consist in reducing business profits and business activity in the receiving countries, no matter whether reparations are discharged in money or in kind. The difference between the economic results of these two modes of payment is only that in the case of payments in kind a direct influence toward depression is exercised only on those industries with the products of which the payments in kind are competing, while in the case of money payments this tendency affects all industries of the creditor country to more or less the same extent. A second difference between payments in kind and those in money is of a psychological character; it results from the fact that the consequences described are obvious so far as payments in kind are concerned, while they are veiled by the intercession of the monetary factor (the *Geldschleier*) in the case of payments in money. There is only one way to meet this tendency of reparations to reduce business profits and business activity: namely, to diminish costs of production by the improvement of business methods. This is the method which French economists of the liberal school—like the late Yves-Guyot—have incessantly urged French industry to adopt. Whether or not the industries of France or any other creditor country will follow this advice depends upon two circumstances: whether there is a possibility of improving business methods, and whether the entrepreneurs of the country concerned are alert enough to avail themselves of this possibility. In the last resort, therefore, technical progress provides the solution of the reparation problem not only for the debtor and for the neutral countries, but also for the creditor countries.

We have thus found that technical progress is the only factor able to provide an all-round solution of the international

[1] Such phenomena have been observed in all countries importing capital over long periods of time. *Cf.* Natl. Ind. Conf. Bd., *op. cit.*, pp. 187-88. The disturbing effects of reparation payments, however, are liable to be much more serious than those of capital imports for commercial purposes, for the simple reason that in the latter case the flow of capital adjusts itself to existing economic conditions, while in the case of reparations economic conditions have to be adjusted to a flow of capital brought about by non-economic forces.

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debt problem bequeathed to us by the World War; we hold that the same applies also to the problem of internal debts which the war has created. Enlarging the scope of our conclusion we thus state that the problem of international and national debts with which the participants in the late war are faced will be solved by technical progress, if it is solved at all.

If this conclusion should not be readily accepted we may perhaps strengthen our case by pointing to the rôle which technical innovations played in connection with the debt problem bequeathed to the principal European powers by the Napoleonic wars, a rôle which does not seem to be sufficiently appreciated by economists. The relative magnitude of these debts (i. e. their ratio to national wealth) was at that time about equal to the relative magnitude of the present debts, and the problem of how to provide the revenues for their interest and amortization charges was just as baffling for finance ministers at that time as it is for their successors at present. The solution of this problem, however, was not due to the genius of any finance minister, but to the genius of those men to whom we owe the invention of the steam engine, the power loom, the coking process, etc. Their genius was responsible for a rise in wealth and production, and hence in public revenues, which has reached such dimensions that now the annual tax receipts of Great Britain, for example, are larger than her total public debt after the Napoleonic wars. The present debt problem will either be solved in the same way, or it will not be solved at all. The problem of how to effect large foreign payments without losing a substantial part of national savings; the problem of how to receive large "reparations" without suffering a considerable reduction in business profits and business activity; and, finally, the problem of how to provide for the service of a gigantic national debt without imposing a crushing tax burden are, after all, nothing but the age-old problem of how to eat a cake and have it. This problem admits of only one rational solution—which consists in baking two cakes instead of one.

GEORG BIELSCHOWSKY

NEW YORK CITY

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THE USE OF THE LABOR INJUNCTION IN THE NEW YORK NEEDLE TRADES I[1]

NOT less than 250 applications for injunctions have been made in labor controversies in New York City since 1894 in the State courts alone, and most of these applications have been granted. Nearly one-third of these applications have been made as a result of controversies in the men's and women's clothing trades. Almost all of the injunctions in the clothing industries, however, seem to have been handed down since 1910. Their frequency in these industries is not surprising in view of the prominence of the clothing and allied trades in New York, the frequency with which strikes have occurred in these trades and the very large number of individual employers in an industry which (especially in New York) runs to small-scale units.

Omitting the half-dozen cases involving the furriers and the hatters, record has been found of eighty-two applications made in New York City[2] since 1894 in controversies arising between manufacturers of men's and women's clothing and their employees. All but five of these cases arose after the year 1909. In twenty-six of these cases no records of any sort were to be found in the official files in the county clerks' offices.[3] In eight other cases the data found were so fragmentary that it was impossible to make much use of them. There remain forty-eight cases, all but one originating after 1909, for which

[1] Except where otherwise noted, this article is based upon an examination of the legal papers drawn up in connection with the several actions. Most of the papers used were found in the files of the county clerks' offices. Some not found there were found in lawyers' offices or secured directly from one or the other of the parties. The article presents some of the results of an investigation made by the authors under the auspices of the Columbia University Council for Research in the Social Sciences.

[2] Seventy-one of the eighty-two cases were in New York County (Manhattan Island).

[3] For some of these cases, however, decisions have been published in the law reports. Citations to these are given in the lists of cases which appear below.

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fairly complete sets of legal papers were found.[1] Our story rests primarily, then, on the history of this group of cases.

The record of our eighty-two cases shows heavy concentration of this form of litigation in the years 1921 and 1926. In these two years were crowded half of the cases that we know have arisen since 1894. In 1926 there were nineteen cases and in 1921, a year slightly more hectic, twenty-seven. In 1923 there were eight cases; in 1922, six; in 1924 and 1925, five; in 1910 and 1920, three; and in 1913, 1919 and 1927, two. There appears to have been no injunction litigation in the New York needle trades (unless it was in Federal courts) in the years 1911 and 1912, or in the war years, 1914 to 1918, inclusive.

The explanation of the large concentration of needle-trade injunction cases in the year 1921 is to be sought, in the last analysis, in the business depression of that year. The labor policy of most employers—of most clothing manufacturers, at any rate—in that time of slump was to shave direct costs by cutting wage rates, as well as by laying off workers—a program of labor deflation, in other words. The effectuation of this policy precipitated strikes in protest against deflation. The strikes naturally were accompanied by picketing and other acts for the prevention of which the writ of injunction seemed to the employers to be the appropriate remedy.

The defendant against whom the majority of the writs were directed was the International Ladies' Garment Workers' Union, or one or more of its officers and members.[2] Thirty-four of

[1] No cases were found in Richmond County (Staten Island); one case from the neighboring county of Westchester is included.

[2] Of the 82 cases of which we could find the titles, 58 involved the International Ladies' Garment Workers' Union, one of its local unions, or one or more of its members. In 24 of the 58 cases no record, or only the most fragmentary record, could be found in the county clerks' offices.

After the manuscript of this article went to the printer, we found two more garment trade injunction cases. Although both of these cases are, in a sense, labor cases, only one of them (*Association of Dress Manufacturers v. Hyman*, N. Y. County, 1927) is a straight employer-employee action. The other case (*Luigi Antonini, President Local 89, International Ladies' Garment Workers' Union v. N. Y. Joint Board of Cloak and Dress Makers*, N. Y. County, 1927) is one arising out of a controversy between different factions in the union.

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the forty-eight applications, in the cases for which we have been able to find papers, arose in the women's garment industry. The next most frequent defendant has been the Amalgamated Clothing Workers of America, which has figured in twenty cases. One or the other of these two important organizations, then, is involved in all of the injunction cases here discussed, save only for three, in which the United Garment Workers was the defendant.[1]

Application for an injunction during the course of an industrial conflict projects the struggle into the courts. It should be noted, by the way, that this shift or extension of the conflict does not necessarily shut it off in the market arena where first it was precipitated. The struggle in the courts is carried on, of course, by the same judicial rules and by utilization of the same set of legal instruments that are used in injunction cases generally. There is no need, therefore, to outline the process or describe the instruments here.

With a single exception, the complaining parties are employers or representatives of the employer interest. In only two or three cases, moreover, is this employer interest represented in any other form than that of the individual firm or corporation. The exceptions are where the complaining party is formally entered as an employers' association or as an officer of such an association. The single instance wherein the complainant is not an employer (or employers' association) is that of *Schlesinger v. Quinto*,[2] in which case the plaintiff sues as President of the International Ladies' Garment Workers' Union, the defendant being representative of the employers enrolled in the Cloak, Suit and Skirt Manufacturers' Protective Association. In all of the other cases here reviewed the defendants are representative of the employee (or, more exactly, the trade-union) interest. The labor interest, as a general rule, is formally represented in the actions by the president of a trade union claiming jurisdiction over the workers in the trade.

[1] The International was organized in 1900, the Amalgamated in 1914, and the United Garment Workers in 1891.

[2] 192 N. Y. Sup. 564; 194 N. Y. Sup. 401.

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In a few cases the union, as such, is made one of the parties defendant. There are three unions involved in the forty-eight cases here examined: the Amalgamated Clothing Workers of America (eleven cases), the International Ladies' Garment Workers' Union (thirty-four cases) and the United Garment Workers of America (three cases), the first having jurisdiction over men's clothing, the second over women's clothing (the garment industry) and the third originally having had jurisdiction over the men's clothing industry but now being largely confined to the overall branch of the trade. In two of the eleven cases involving it the Amalgamated Clothing Workers of America is sued in its organization name; in the other nine cases the defendant named is some officer of the organization, usually the president. In two of the thirty-four cases in the garment trade a local union of the International Ladies' Garment Workers' Union is named as defendant; in the remaining cases the president, or some other officer of the union, is named. In all three of the cases involving the United Garment Workers of America that organization is named as defendant.

The manufacture of clothing is carried on in small manufacturing units or shops under highly competitive conditions. In New York, especially, as we have intimated, the industry is marked by the small size of the units. The keen competition makes profit margins narrow and produces a high mortality among the entrepreneurs. The sharp competition makes it necessary to cut costs to a minimum. Among these items of cost is labor expense—wages—to reduce which, where possible, the employer is constantly on the alert. All this means sweated industry—and strikes, in the atmosphere of which injunctions flourish. Although it is probably not true that most strikes are accompanied or followed by injunctions, it is not doubted that most labor injunctions arise out of strikes and virtually all of them out of industrial controversies of some sort. It is not easy to carry on a strike that will be effective without either deliberate or incidental interference with the business of the struck shop and such interference is the nub of the employer's complaint when he asks for injunctive relief. In all of the complaints constituting the initial steps of the forty-eight cloth-

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ing trade cases it is set forth that the defendants have "conspired, confederated and combined" to injure the plaintiffs in the lawful conduct of their businesses, and the means used in such conspiracy are almost without exception described by the words "violence", "threats", "coercion", "intimidation", "fraud" and "force".[1]

An analysis of the sections of the complaint bills which set forth the employer's version of the facts and circumstances leading up to the dispute indicates that the following types of situations prevailed at the time injunction proceedings were instituted:

(1) The plaintiff had an individual contract of employment, either "yellow dog" or, much more frequently, the ordinary time contract with each of his employees. There was no dispute among his employees or between his employees and himself. The defendant had due notice of the contractual relations but despite the plaintiff's knowledge the defendant started violent picketing, causing indeterminable loss to the plaintiff. Twenty-one cases reveal this situation.

(2) The plaintiff operated an open shop, making no discrimination between union and non-union workers. The defendant began a unionization program against the plaintiff's wishes, using "violence, threats and intimidation." Nine cases.

(3) Most of the workers employed by the plaintiff were union members. To compel the plaintiff to discharge the non-union members and replace them with union workers, the defendant union called a strike. Five cases.

(4) The plaintiff for one reason or another discontinued the operation of his establishment, which had been operated under a union agreement. On the demand that the plaintiff reopen and operate his shop on threat of serious injury, the plaintiff sought injunctive relief. Three cases.

(5) The plaintiff discharged certain workers. The union demanded that these workers be reinstated. On the refusal of the plaintiff to do so, the defendant called a strike. Two cases.

[1] But it will be noted presently that for the most part these charges are not usually carried over into the decrees themselves.

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(6) The defendant union was involved in a dispute with a nearby firm and had instituted picketing. The pickets were asking aid from the plaintiff's employees, causing annoyance to the employees and obstruction to the plaintiff's business. One case.

In forty cases answers were filed by the defendant unions making reply to the allegations in the complaints. More than three-fourths of these answers were simply short absolute denials of the allegations (but not necessarily of all the allegations) made in the complaints. In eight cases the union endeavored to establish a separate defense and in four of these cases went further and charged the employer with violation of an agreement or with attempts to evade the obligations assumed under it. In the remaining four cases the answers consisted of affidavits merely.

To the complaints and answers were attached the customary affidavits for plaintiff and defendant, respectively. It was upon the "evidence" contained in complaint, answer, affidavits and the oral arguments of counsel that the judge, actually or presumptively, reached his decision in the first instance as to whether or not the plaintiff was entitled to injunctive relief.[1] These affidavits were in most cases drawn by parties more or less directly connected with the dispute, a great many coming from employees of the plaintiff who claimed to have suffered injury at the hands of the defendant, and many more from the plaintiff or plaintiffs who recited specific acts of violence committed by members of the defendant union. The defendant affidavits, of course, denied in no uncertain terms the acts recited in the plaintiff affidavits, and in some cases accused the plaintiff of conspiring to ruin the defendant. In almost all cases it is possible to array the affidavits of the plaintiff against those of the defendant and check off absolute contradictions throughout; this condition suggests that the presiding justice

[1] This, of course, refers to the hearing, whereat papers and (usually) oral argument are presented from both sides. Where, as is usual, the judge considers whether to issue an *ex parte* order at the time of original application, he must rest his decision upon paper "evidence" (complaint and affidavits) from the plaintiff's side only.

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must decide the case on the basis of something other than the papers submitted. Affidavits may also be included by outside parties, especially, for example, persons having special or expert knowledge of the employer or union organizations party to the controversy or of labor conditions in the industry.[1]

The Garment Trade Injunctions

It has been noted that the bulk of the injunctions handed down by the State courts in the New York City needle trades were applied for by employers in the women's garment industry. Since 1900 it appears that no less than fifty-eight applications for injunctions have been made in this industry in New York City, its point of greatest concentration. This is an average of two a year during a period of twenty-eight years. The scene of controversy was set, in all but eight of the fifty-eight cases, on Manhattan Island (New York County). There were two cases in Queens County, two in Westchester County, and one in Kings County (Brooklyn). In three cases the name of the county is not known but in all probability they are in the metropolitan area.

The cases for which fairly complete records were found and on which the discussion in this section is mainly based, are the following:

1910 Lesser Kalb Mfg. Co. v. Winchefsky.
1919 Levy v. Schlesinger.
1920 Piermont v. Schlesinger, 188 N. Y. Sup. 35.
1921 Feldman v. Schlesinger.
Richter Bros. v. Friedman.
Lask Mfg. Co. v. Schlesinger.
S. & W. Costume Co. v. Schlesinger.
Schlesinger v. Quinto, 192 N. Y. Sup. 564; 194 N. Y. Sup. 401.
Baum and Wolf v. Schlesinger.

[1] The average number of affidavits submitted in each case was 18 for plaintiff-employer and 16 for defendant-union. The smallest number of plaintiff's affidavits in any case was 4, the largest 107; the smallest number of defendant affidavits was 2, the largest 60.

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Rubin v. Schlesinger.
Floersheimer v. Schlesinger, 187 N. Y. Sup. 891.
Cohen, Friedlander & Martin v. Schlesinger.
1922 Gilwyne Costume Co. v. Schlesinger.
Greenberg v. Berlin (Joint Board Dress and Waistmakers' Unions).
Goodman v. Schlesinger.
Altman v. Schlesinger, 204 A. D. 513, 198 N. Y. Sup. 128.
Bonwit v. Schlesinger.
1923 Kleinberg v. Sigman.
Kane Costume Co. v. Sigman.
Markowitz Co. v. Sigman.
Janette Dress Co. v. Ninfo.
Maegert Undergarment Co. v. White Goods Workers' Union (Kings).
1924 Gottlieb v. Sigman (Queens).
Maisel v. Sigman, 205 N. Y. Sup. 807.
1925 Belle Maid Dress Co. v. Sigman.
1926 Rosenbaum v. Friedman.
Lipschitz v. Amoruso.
Rentner v. Sigman, 216 N. Y. Sup. 79.
Ira Moss Co. v. Sigman.
Starr Pleating Co. v. Sigman.
Bellin v. Millinery Workers.
Braverman v. Sigman.
Cairo Dress Co. v. Sigman.
Tailored Woman Inc. v. Sigman.

Four of the garment-trade cases scarcely run true to form. Only one of the four is among the thirty-four explored cases listed above. It is the case of *Schlesinger v. Quinto* (already mentioned) in which the union secured an injunction against the employers. The other three are less important, so far at least as the present discussion is concerned, since we have been unable, as yet, to find much information regarding them. One was the case of *Sadowsky v. American Cloak and Suit Manufacturers' Assn.* (1923), another union-plaintiff action, apparently. The other two had identical parties, the *United Cloak and Suit Designers v. Sigman* (1926), apparently constituting

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in each case an action by the Designers' Association (an employees' organization) against the International.[1]

The thirty-four cases which we shall now scrutinize more closely include one case in each of the years 1910, 1919 and 1920, nine cases (one of which is the union-plaintiff case of *Schlesinger v. Quinto*) in 1921, five in 1922, five in 1923, two

[1] The cases for which little or no information could be found are the following (except where otherwise noted, the county is New York):

1900 Levy, Inc. v. Rosenstein, 66 N. Y. Sup. 101.
1910 Max Schwartz v. International Ladies' Garment Workers' Union, 124 N. Y. Sup. 968.
Harry Schlang v. Ladies' Waist Makers' Union, 124 N. Y. S. 289.
1916 Woolf & Schulberg v. Amalgamated Ladies' Garment Cutters' Union
1921 Newport Costume Co. v. Schlesinger
Seinberg v. Schlesinger (County not known)
Borgenicht v. Schlesinger (County not known)
Rost and Yuni v. Ladies' Dress Makers (County not known)
1923 Sadowsky v. American Cloak & Suit Manufacturers' Assn.
C. P. A. Chanel v. Sigman
Cenael Dress Co. v. Sigman
1924 Sarner v. Sigman
Schlesinger v. Messing
1926 United Cloak & Suit Designers v. Sigman, 219 A. D. 367.
United Cloak & Suit Designers v. Sigman
Wilkin, Adler, Inc. v. Sigman
Kallman & Ehrenreich v. Sigman
Industrial Council, Cloak Suit and Skirt Manufacturers' Protective Assn. v. Sigman
Goldmark Dress Co. v. Sigman
Brenton Dress Co. v. Sigman
Mt. Vernon Dress Co. v. Sigman (Westchester)
Ed. Mayer Co. v. Sigman (Queens)
1927 Schneider, Shanfosky & Seidman v. Sigman
Brenner v. Sigman

The one case in 1900, *Levy, Inc. v. Rosenstein* (New York County) may just possibly be the case referred to in Lorwin's history of the women's garment workers. Mr. Lorwin's statement follows: "In the fall of 1899 two firms against which strikes had been declared, the firm of Bonwit & Levy and that of Indig, Berg & Co., jointly applied for and obtained an injunction against the United Brotherhood [of Cloak Makers' Union No. 1 of New York and Vicinity, one of the principal organizations which united, in 1900, to form the International Ladies' Garment Workers' Union]. This was the first injunction used by employers in the women's clothing industry against workers. . . . It had a serious effect on the strikers and further demoralized the union."—Lewis Lorwin, *The Women's Garment Workers* (1924), p. 91. (This book was published under the name of Louis Levine.)

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in 1924, one in 1925 and nine in 1926. It is probably not without significance that between 1900 and 1916 we have found trace of no injunctions except the three[1] that occurred in the year 1910. That year marked the culmination in a market-wide strike of a long period of industrial strife in the garment trade and the beginning of a five-year era of peace and amity. In September, 1910, the now famous Protocol of Peace was signed between the Cloak, Suit and Skirt Manufacturers' Protective Association and the Cloakmakers' Joint Board of the International. Similar protocols were entered into in other branches of the women's garment industry in the winter of 1913.

In 1910, during the general strike that preceded the signing of the protocol in the cloak trade, occurred not only the explored case of *Lesser Kalb Mfg. Co. v. Winchefsky* (representing the Ladies' Waist and Dress Makers' Union) but also two of the unexplored cases (*Schwartz v. the International* and *Schlang v. the Ladies' Waist Makers' Union*), of which the former deserves special notice. Max Schwartz was one of the leading members of the Cloak, Suit and Skirt Manufacturers' Protective Association and in the litigation he appears to have acted as representative of that association. Lewis Lorwin, in his history of the International, gives the following recital of the circumstances of this case:

> On August 6, [1910] J. H. Cohen, acting for one of the leading manufacturers, applied for a writ of injunction declaring the strike a conspiracy in trade. Justice Lehman granted a temporary injunction restraining the strikers from committing acts of violence and referred the case for argument to Justice Goff. The injunction intensified matters. Morris Sigman, [for] the picketing committee, ordered all his pickets out at once to demonstrate that injunctions held no terror for the strikers. . . .
>
> On August 27 Justice Goff . . . granted an injunction [making permanent the Lehman order, apparently] which declared that the strike was for the closed shop, that it was, therefore, illegal, and that even peaceful picketing was illegal. In the words

[1] Two of which are unexplored cases.

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of the *New York Times* it was "the strongest decision ever handed down against labor".[1]

Four days after this injunction was made permanent the Protocol of Peace was signed and prominent on the employers' side in bringing this about were Max Schwartz, plaintiff, and Julius H. Cohen, attorney for plaintiff.[2]

The parallelism between injunction history and strike history is given renewed emphasis in the fact that after 1910 we find not a single injunction case in the New York garment trade until 1916, which year marks the end of protocolism. In 1916 we have a single case[3] followed by two years which were, industrially, fairly peaceful and quite injunctionless, not because of the situation in the industry, which, following the eclipse of protocolism, was chaotic enough, but on account of the World War.

After the last war year we have at least one injunction in every year until 1928, in which year there appear to have been no cases. The prosperous years 1919 and 1920 were marked by few strikes and fewer injunctions: we find record of one action in each of these two years. In 1921 they grew on every bush. If we take the depression years 1921 and 1922 as a unit and the year 1926, we find that more than half of our fifty-

[1] Lorwin, *op. cit.*, pp. 191, 193.

[2] See Cohen, J. H., *Law and Order in Industry.*

[3] The unexplored case of *Woolf & Shulberg v. Amalgamated Ladies' Garment Cutters' Union No. 10,* of which the historian of Local 10 has this to say: "In June of this year Local 10 won an important case in a suit brought by the firm of Woolf & Shulberg for an injunction to permanently restrain the union from enforcing its rules against any members employed by this firm. Had the injunction been granted it would have served as a dangerous precedent. A union that cannot enforce its discipline in the shops where members work would be helpless to improve conditions and Local 10 was aware of the importance of the issue. Morris Rotenberg of the firm of Panken & Rotenberg represented the union, contending that when a cutter joined the union, he entered into contractual relations with it, agreeing to obey its rules and regulations. If a cutter entered into a contract with an employer after having joined the union this did not automatically nullify the contract made by the member with the union. This contention was sustained by the Supreme Court, which denied the application made by the firm." — Jas. Oneal, *A History of the Amalgamated Ladies' Garment Cutters' Union Local 10* (New York, 1927), pp. 264-65.

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eight cases are concentrated in these two periods, with eighteen injunction suits adorning each. The next most hectic injunction year in the industry seems to have been 1923, which witnessed five struggles in the courts.

The depression of 1921, which extended well into the following year, was marked in the garment as in other industries by numerous wage cuts. The wage reductions led to strikes, the strikes necessitated picketing, picketing provoked injunctions. This form of statement oversimplifies the situation, but in a rough way it is believed to represent the usual relationship between injunctions, economic conditions and union activity. In the New York garment trade in 1921 there were strikes not followed by injunctions, even though they involved picketing. There were causes of strikes other than wage cuts.

> On April 22, 1920 [says Lorwin] this association [the Cloak and Suit Manufacturers' Protective Association] addressed a letter to the International in which it claimed that "the high rate of wages and the nonproductivity of the workers made selling prices prohibitive to consumers". The association demanded a "general readjustment of working conditions". Specifically this implied a reduction of wages, the reestablishment of piece work, and a greater freedom to "hire and fire".[1]

In February a general strike was called in the dress and waist trade; in the summer there followed "months full of strain and anguish"; in November about 55,000 New York cloakmakers went out on strike. "Thus in December, 1921", Lorwin relates, "about 75,000 workers in the main centers of the industry were waging the most stubborn fight of the post-war period against the attack on the new standards established in the industry during the war and post-armistice boom."[2]

It was at this juncture that the union applied for and was granted an injunction against the Cloak and Suit Manufacturers' Protective Association, against which, mainly, the New York cloakmakers were striking. This was the case of *Schlesinger v. Quinto* which is (with the possible exception of *Sadowsky v.*

[1] Lorwin, *op. cit.*, p. 344.

[2] *Ibid.*, p. 347.

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American Cloak and Suit Manfacturers' Association[1]) the only one of our cases in which an injunction was issued against employers. The application was made on November 28, 1921, and on the following day Mr. Justice Guy, of the Supreme Court, signed an *ex parte* order restraining the employers' association from violating, or attempting to induce the violation of, its agreement with the union. After a hearing on December 12, Mr. Justice Wagner, on January 16, 1922, continued the *ex parte* order as a temporary injunction.[2] From this decision the Association appealed to the Appellate Division and argument was had on January 24, 1922, after which the decision was affirmed on May 26, 1922. An order of discontinuance was entered on July 17, 1922.

The text of the opinion which Mr. Justice Wagner rendered on the motion for an injunction *pendente lite* (in continuance of the *ex parte* restraining order handed down on November 29, 1921, by Mr. Justice Guy) throws light upon the agreement which lay at the heart of the controversy and which the employers were accused of breaking:

> The contract . . . was entered into between the . . . Protective Association . . . and the International . . . Union, . . . on May 29, 1919, to continue operative up to June 1, 1922. This agreement was the culmination of a long-continued economic struggle between the parties, and for the first time recognized in a collective bargaining contract the week-work system in place . . . of the so-called piece-work system formerly prevailing in the garment industry, and provided for a reduction in the hours of

[1] An organization of the contractors or submanufacturers.

[2] Lorwin says (*op. cit.*, p. 348): "On January 11, 1922, the temporary injunction was made permanent by Justice Wagner." This appears to be an error, since we do not find that this case was brought to trial. The same misinterpretation of the record seems to have been made by James Oneal, who makes the following statement concerning this case: "Public opinion turned against the association and Morris Hillquit, counsel for the International, invited Samuel Untermeyer to join him in pressing a suit against the association. A temporary injunction was obtained which was made permanent in January 1922." (*Op. cit.*, p. 284.) The misrepresentation is due, no doubt, to the looseness with which the terms "temporary" and "permanent" are applied to injunctions.

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> labor from 48 to 44 hours per week. This innovation the workers regarded as a great stride forward in their struggle to raise their standard of life.[1]

On October 25, 1921, the association adopted a resolution that beginning Monday, November 14, 1921, all of its members would operate their factories on the piece-work system. Mr. Justice Wagner was of the opinion that this resolution "contemplated a material breach of said contract" and on this belief his decision turned.

Prior to the issuance of the temporary restraining order efforts had been made by state and federal officials to settle the strike by arbitration, but the injunction, evidently, put an end to these endeavors,[2] which in any event would probably have failed since the union insisted that the Association had violated the agreement and that no arbitration was possible until the agreement was put into operation once more. On January 16, 1922, the day on which Mr. Justice Wagner, in continuing the *ex parte* order, granted a temporary injunction, "the attorney for the Protective Association, after the injunction had been in force against them for about six weeks, notified the International that the members of the Association would open their shops on the old conditions. On January 17, 1922, the New York cloak strike was over."[3] As to the effectiveness of the injunction in *Schlesinger v. Quinto*, Lorwin thinks it "hardly debatable that the outcome of the [1921] strikes was determined by the . . . injunction. . . ."[4]

James Oneal has the following comment on *Schlesinger v. Quinto:*

> This was the first time in American industrial history that an injunction was obtained by a trade union against an organization of capitalists and it became a notable incident in labor history. Hillquit declared that "class conscious workers are justly opposed

[1] *Schlesinger v. Quinto,* N. Y. Sup. Ct. (1922). 117 Misc. 735.

[2] Lorwin, *op. cit.,* p. 348.

[3] *Ibid.,* p. 349.

[4] *Ibid.*

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to government by injunction" but "the most promising and effective means of curtailing or abolishing the use of injunctions in labor disputes is to endeavor persistently to turn it against employers". He pointed out that a pro-capitalist organ, the *New York Times*, had begun to doubt "the efficacy of injunctions in labor disputes."[1]

In the opinion from which we have already quoted Mr. Justice Wagner comments upon the significance of an application by a trade union for an injunction against employers of its members:

> While this application is novel, it is novel only in the respect that for the first time an employees' organization is seeking to restrain their employers' organization from violating a contractual obligation. It is elementary, and yet sometimes requires emphasis, that the door of a court of equity is open to employer and employee alike. It is no respecter of persons—it is keen to protect the legal rights of all. Heretofore the employer alone has prayed the protection of a court of equity against threatened irreparable illegal acts of the employee. But mutuality of obligations compels a mutuality of remedy. The fact that the employees have entered equity's threshold by a hitherto untraveled path does not lessen their right to the law's decree.

The large number of injunction cases in 1926 seems to have developed mainly as a result of activities of the Communist or left-wing group which had by this time attained no little strength in the industry and which, after securing control of the Union's New York Joint Board, called a general strike in the cloak and suit branch of the industry on July 1, 1926. This strike was called in protest againt the recommendations of the Governor's Advisory Commission, appointed in 1924 to investigate conditions in the New York cloak trade. The Commission made its final report and recommendations in May, 1926. The report suggested the assignment of greater powers to the impartial chairman, the establishment of an unemployment insurance fund and of an employment office in connection therewith, the

[1] Oneal, *op. cit.*, pp. 284-85.

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increase of weekly minimum wage rates by amounts ranging from $2.50 to $6.00, amendment of existing contracts with a view to more effective dealings with non-union shops, more effective methods for extending the use of the "Prosanis" label and permanent continuance of the bureau of research, originally instituted to aid the Commission in its studies.[1] President Sigman of the International and most, if not all, of its General Executive Board favored acceptance of the Commission's recommendations. But the New York Joint Board, then under Communist control, opposed acceptance of the Commission's report and on July 1, 1926, called out 40,000 cloakmakers. The strike was settled by arbitration late in December, 1926. The strike was, on the whole, disastrous, in that the union was obliged finally to accept terms less advantageous to it than had been the Commission's recommendations. A number of small shop strikes also occurred during 1926.

We turn now to a general analysis of the thirty-four garment-trade cases for which we have found legal records adequate for analysis. Three aspects are important: the disposition made of the application by the court, the length of time consumed by the litigation, and the nature of the activities of which the plaintiff employers complained.[2]

Ex parte orders were issued in immediate response to twenty-one of the thirty-four applications. These *ex parte* or preliminary restraining orders are issued on presentation of the application (consisting of the plaintiff's bill of complaint and accompanying affidavits) and without notice to, or opportunity for explanation or defense by, the party complained against.[3] In the remaining thirteen cases the defendant union or its members were not subjected to restraint until after they were notified of the complaint and had been heard in their own defense, and even then, of course, they were not restrained unless, in the court's

[1] 23 *Labor Review* 34 (July, 1926).

[2] A fourth aspect, no less important, dealing with the contents of the decrees or acts enjoined, will be discussed in the concluding installment of this paper.

[3] It appears that the number of *ex parte* orders granted closely corresponds to the number specifically requested; in a minority of the cases they are refused even when asked for, and plaintiff must wait for hearing.

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opinion, the evidence contained in the complaint, the defendant's answer and the affidavits accompanying complaint and answer was found to justify such restraint pending further proceedings (*pendente lite*) in the way of a trial on the merits of the controversy or an appeal to a higher court, or both trial and appeal. So it would seem that in labor injunction cases in the New York garment trade the defendant union's chances of escaping immediate restraint without notice are about one in three.[1]

The number of *ex parte* orders does not, however, give us the whole measure of the likelihood of immediate injunctive restraint. Obviously, restraint may come in the form of a temporary injunction after hearing, as well as in the guise of a preliminary restraining order before hearing. Among the thirty-four cases here being considered there were nine (among the thirteen not marked by *ex parte* orders) wherein, after hearing, temporary injunctions were issued.[2] This means that in thirty cases out of thirty-four the defendants were sooner or later subjected to injunctive restraint. So while the chances the New York garment workers have of escaping *ex parte* restraint when their employers choose to ask for it are one in three, their chances of entirely escaping injunctive restraint are only one in eight. The four cases which are distinguished by the defendants' complete escape from injunctive restraint were all litigated before 1923.[3] Since 1922, then, not one of our explored labor injunction cases in the New York garment trade failed to provide, soon or late, some injunctive relief.

Another important aspect of these proceedings is the fate of

[1] One of the *ex parte* orders was that issued for the union against the employers in *Schlesinger v. Quinto*. Whether, given numerous cases of this type, the employer's chances of escaping immediate restraint would be equally slim, we have no means of knowing.

[2] In one of these cases (*Altman v. Schlesinger*) the injunction was not issued until after hearing, trial and appeal. On hearing, injunction was denied. This decision was affirmed at the trial, but on appeal the trial decision was reversed and (permanent) injunction granted.

[3] *Lesser Kalb Mfg. Co. v. Winchefsky* (1910); *Feldman v. Schlesinger* (1921); *S. & W. Costume Co. v. Schlesinger* (1921); *Gilwyne Costume Co. v. Schlesinger* (1922).

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the *ex parte* orders when put to the test of a hearing at which the defendant submits his answer and affidavits and at which, while there are no witnesses or cross-examination, he may be represented by counsel. Fourteen of the twenty-one *ex parte* orders mentioned above were continued after hearing, six were vacated and one[1] marked off the record without a hearing. If the judgments responsible for these vacations after hearing are sound, it would seem that in the New York garment industries not less than one-third of the *ex parte* orders handed down in labor cases have been improvidently issued. Moreover, post-hearing proceedings in some of these cases appear to make the matter even worse, for of the eight *ex parte* cases which were appealed or taken to trial after being affirmed at hearing, three were reversed—two at trial and one on appeal after an affirmance at trial. It would appear, then, that ultimately, not fourteen but only eleven of the twenty-one *ex parte* orders remained vindicated after proceedings had run their course. This may well warrant the conclusion that the experience of the past eighteen years in the New York garment trade indicates that about half of the *ex parte* injunctions issued in this industry aud market were improvidently issued.

Incidental reference has been made to post-hearing proceedings. Thirteen of our thirty-four accessible garment-trade cases were either tried or argued on appeal, and two of the thirteen were tried and then appealed. There may have been others, but there is nothing in the available papers to show more than notices of appeal or of trial that were never followed up. Not one of these cases went to the Court of Appeals. Six cases went to trial: five of these involved *ex parte* orders that had been continued; two were reversed after trial and the injunctions set aside; three were affirmed, but one of the three was appealed and had the trial judgment reversed and the injunction set aside.[2] One of the six cases going to trial was an action in which there was no *ex parte* order and in which a temporary injunction was denied at hearing. At trial the decision after hearing was affirmed and still no injunction issued.

[1] *Bellin v. Millinery Workers* (1926).

[2] *Rentner v. Sigman* (1926).

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Appeal was taken to the Appellate Division where both previous decisions were upset and an injunction duly issued.[1] Seven cases were appealed, five direct from hearing and two, already referred to, after trial: three of the five appeals resulted in affirmance of *ex parte* orders that had been continued at hearing, one in affirmance of a temporary injunction granted at hearing, and one in the reversal of such a temporary injunction. Only four of the thirty injunctions which came into existence as a result of the thirty-four applications here examined ever became permanent,[2] and one of these (*Moss v. Sigman*) was upset on appeal. This showing, we think, is not without significance, revealing as it does a situation in which the garment manufacturers appear to get through preliminary restraining orders and temporary injunctions all the relief they would get if they had permanent injunctions. This is the more striking when one takes into consideration the fact that it is taken to be a settled principle of equity jurisprudence that "a temporary injunction will not issue in any case where such temporary injunction will give to the plaintiff as a matter of substance, the full relief which he wants and would get if he successfully prosecuted his action and obtained a permanent injunction."[3]

One of the features of equity procedure about which there has been much complaint is the speed, or lack of it, with which the equity courts dispose of labor injunction cases. Labor officials have repeatedly claimed that there is much unnecessary postponement of proceedings. They say that when an employer gets an *ex parte* order their strike activities are held up so long before a hearing that by the time a decision does come down, even though it should vacate the restraining order, their strength and morale have been so broken in the interval that they are unable to continue the strike and must accept defeat.

[1] *Altman v. Schlesinger* (1922).

[2] *Altman v. Schlesinger* (1922); *Rosenbaum v. Freedman* (1926); *Rentner v. Sigman* (1926); *Ira Moss Co. v. Sigman* (1926).

[3] *Interborough Rapid Transit Co. v. Wm. Green et al., Brief for Defendants* (New York: Workers' Education Bureau Press, 1928), p. 147. See cases there cited.

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On the charge of unwarranted postponement the cases seem to throw no clear light. The writers incline to the belief that there is much postponement, not all of it warranted, probably —and certainly shared in by both plaintiffs and defendants, but in what proportions they are at a loss even to guess. We have been able, however, to calculate from the county clerks' records for thirty-three of our thirty-four garment-trade cases[1] the number of days elapsing between the issue of summons and complaint and the decision on the temporary injunction. The median time for the twenty *ex parte* cases for which dates were found was 33.5 days; for the thirteen cases which were not featured by *ex parte* orders, the median time was 28 days. The range in the *ex parte* group is from 8 days in *Levy v. Schlesinger* to 300 days in *Bellin v. Millinery Workers;* in the other group it is from 13 days (*S. & W. Costume Co. v. Schlesinger*) to 71 days (*Piermont v. Schlesinger*).

Of equal importance is the question of the length of time that injunction orders actually are in force. Of the thirty injunctions resulting from the thirty-four applications, there were eighteen for which the record contained definite, dated, terminal papers representing, for example, an appellate decision vacating an injunction, an order of discontinuance, trial reversal of a hearing order granting an injunction, etc. The length of time these eighteen injunctions were (nominally) in force ranged from 7 days (*Levy v. Schlesinger*, 1919) to 2,330 days (*Rubin v. Schlesinger*, 1921). The median is 211 days and half of the cases range between 30 and 345 days.

In the twelve remaining cases the life of the injunction cannot be completely measured since in these cases the record ends with a decision after hearing granting a temporary injunction; with a decision continuing an *ex parte* order; or with a decision after trial or on appeal affirming an earlier decision which had granted an injunction. No order of discontinuance

[1] Dates are missing in the record for the case of *Lipschitz v. Amoruso* (1926).

[2] The arithmetic means were 49 days for the *ex parte* cases and 35 days for non-*ex parte* cases. Here, however, the *ex parte* group average is unduly affected by the case of *Bellin v. Millinery Works,* where the time was 300 days, the next longest period being only 74 days.

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appears; probably none was made; and all that one may know from the record of the length of life of the injunction is the time between the date of original issue of the order and the date of the latest judicial affirmance or modification of it. In three of the twelve cases we know nothing of the life span of the injunction since there was no *ex parte* order and the proceedings ended, so far as the record shows, with the granting of an injunction upon hearing. In the other nine cases we have certain minimum periods through which we know the injunctions were, at least nominally, in force. They may have been in force much longer and the probability is that they continued in force technically without limit of term but, with the fading out of the original controversies, became quite devoid of any substantial reason for existence. The *minimum* periods during which these nine injunctions were in force ranged from 15 to 326 days.[1]

P. F. BRISSENDEN
C. O. SWAYZEE

COLUMBIA UNIVERSITY

[1] Two cases which had somewhat checkered careers may be recapitulated separately:

Harry Rubin v. Schlesinger. Summons and complaint dated February 24, 1921. Defendant answered on March 4, hearing was had March 10 and decision granting temporary injunction was handed down March 23. The order enjoined (1) any acts injurious to plaintiff, (2) inducing plaintiff's employees to leave their employment or to join defendant's union, and (3) picketing or congregating at or near plaintiff's place of business. The case was noticed for appeal by the defendant on April 22 and noticed for trial on November 10, 1921, but it evidently went neither to appeal nor to trial. An order of discontinuance is entered as of November 17, 1927. Injunction in force 2,330 days.

Sam Altman v. Schlesinger. Summons and complaint, March 15, 1922; defendant's answer April 3; hearing April 5; decision refusing injunction June 21; notice for trial (no date given); trial, July 1, decision again refusing injunction, July 6; notice of appeal to Appellate Division, July 31; argument on appeal, December 1; decision reversing both previous decisions and granting injunction February 9, 1923; case marked off calendar February 27, 1925. The injunction forbade (1) picketing or instigating persons to picket in any manner whatsoever, and (2) hampering or hindering free dispatch of plaintiff's business in any manner whatsoever. Injunction in force 748 days.

NOTE: This article will be continued in a future number.—ED.

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HOUSE OF LORDS REFORM SINCE 1911

STANDING in contrast to a House of Commons which has been gradually transformed into a democratic assembly, the House of Lords has remained as a vestige of feudalism in the government of England and still awaits the reforms so often proposed.[1]

Proposals to reform the House of Lords must necessarily deal with either the composition or the powers of the House. Either the House of Lords must cease to be coördinate in legislative power with the House of Commons, or membership in the House of Lords must cease to be largely on a hereditary basis. In general, the friends of the House of Lords have wished to change its composition; the foes, its powers. The great reform of 1911, based on much earlier proposals of James Mill,[2] left the composition of the House untouched, but restricted its powers. All parliamentary proposals for its reform made since 1911 have been made by the Conservative Party, and have been concerned with changing its constitution in order to restore its powers.[3]

[1] The best discussions of nineteenth-century reform proposals will be found in Lord Morley's *Life of Gladstone* (1903), Sir Algernon West's *Private Diaries* (1922), and L. O. Pike's *Constitutional History of the House of Lords* (1894). The best accounts of the preparation for and passage of the Parliament Act of 1911 are in J. A. Spender's *Life of Sir Henry Campbell-Bannerman* (1924) and Lord Morley's *Recollections* (1917).

Many books were written, during the constitutional struggle which ended in 1911, on second chambers with special reference to the House of Lords. Drawing their arguments as they did largely from contemporary governments, they are of little value or interest today, since most of them are partisan documents. The best is Harold W. V. Temperley's *Senates and Upper Chambers* (1910). Recently a number of books of some value have appeared on the subject of the House of Lords and its position as a second chamber. H. B. Lees-Smith's *Second Chambers in Theory and Practise* (1923) and G. B. Roberts's *The Functions of an English Second Chamber* (1926) are the best. Sir John Marriott's *The Mechanism of Government* (1927) contains an excellent contemporary picture of the Conservative attitude toward the subject.

[2] Transmitted through John Bright's proposals of 1883, as Lord Morley explains. Morley's *Recollections,* vol. I, pp. 198-99.

[3] Here and throughout I use the name "Conservative" for the great party

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The Parliament Act of 1911 was an attempt to reform the constitution of England by giving the final voice in all matters of consequence to the representatives of the people, while leaving to the peers as representatives of long-established privilege the power to retard the effectuation of the people's desires. In fact the Parliament Act was a compromise between the believers in completely popular government and those who distrusted the people. Its passage was a party measure, the Conservatives upholding privilege, and the Liberals and the Labour Party acting to increase the power of the House of Commons. The Parliament Act did not, unfortunately, settle forever the position of the House of Lords. The Liberals were enabled to pass some of their most important legislation over the suspensive veto of the Lords, the only veto it had left, but they discovered that the Parliament Act was working so as to give them a free hand only during the first two years of each Parliament, and only in matters so important that their majority could be kept of precisely the same mind for two years. The Unionists, no longer able to block legislation altogether by their control of the House of Lords, transferred their fight to Ulster, but, even so, longed to restore the absolute veto which the Lords possessed before 1911.[1] Meantime, the anti-hereditary feeling in the country grew, especially among those classes which were transferring their political allegiance to the Labour Party, and there came to be a wide acceptance of the idea of a one-chambered Parliament.

After 1911 the next stage in the history of the reform of the House of Lords was an academic interlude during the War of 1914. "Most Conservatives and many Liberals thought that this state of things could not continue", writes the biographer of Lord Bryce, "and that the abeyance of party strife during the war offered a happy opportunity for the solution of the problem."[2] Mr. Fisher's choice of quantitative adjectives is a

whose members call themselves sometimes Unionists and sometimes Conservatives. Of recent years there has been a tendency to restore the name Conservative in formal use.

[1] It has to be remembered that throughout the last fifty years the House of Lords has had a huge and constant Conservative majority.

[2] H. A. L. Fisher, *James Bryce*, vol. II, p. 169.

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happy one. Equally happy, from the point of view of the Conservatives, was the choice of Lord Bryce to lead a commission to report on the reform of the second chamber. Lord Bryce, a former Liberal politician, keenly interested in the study of constitutions, had grown conservative, as the tendency is, with advancing age. A committee of thirty members of the two Houses, representing all shades of thought, but somewhat weighted in favor of the old order, was chosen, and during the days of the war it conducted its calm deliberations under Bryce's leadership. A sort of appearance of harmony has been lent to its supposed conclusions by the fact that we have what is usually known as its "report". In fact, its members disagreed on every point of importance, and after they had met as often as they wished and had found themselves unable to agree upon a report, Lord Bryce wrote a letter to the prime minister giving a summary of such views as had been discussed by the Commission and seemed to have been at all generally held by its members. In fact the Commission did little more than reargue peacefully the old points of dispute, and continue to disagree upon important points. They seem to have agreed to widen the basis of membership of the House of Lords beyond the hereditary peerage, but as to how the non-hereditary peers were to be chosen, they could not agree. They seem to have agreed as to the desirability of some way of settling disputes between the two Houses other than the arrangement of 1911. Two possibilities offered: a referendum to the people, and a joint sitting or so-called "Free Conference" of selected representatives of the two Houses. The latter was the more popular with the Commission, but otherwise would have probably suited only the Conservatives. For it would have provided a "Third Chamber which, when disagreement arises, becomes greater in power than the Second and equal in power to the First."[1]

[1] H. B. Lees-Smith, *Second Chambers in Theory and Practise*, p. 233. Mr. Lees-Smith, once a Liberal M. P. and now a member of the Labour Government, has in this book written the best discussion of the work of the Commission. He says he examined the records of the Commission, but that they tell little more than Bryce's letter. The point of view of one Liberal member of the Commission, Sir Charles Hobhouse, is given briefly in the *Contemporary Review*, vol. 132, pp. 148-49 (August, 1927).

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Though the Commission could not agree, though its suggestions were probably impracticable, and though its "report" was received with extreme lack of interest by the public, its suggestions have gained an adventitious importance from the fact that they are the only professedly nonpartisan proposals of House of Lords reform ever made. Consequently every subsequent reform suggestion has drawn support from the supposed proposals of the Bryce Commission.[1]

After the war was over, certain changes of attitude in regard to the House of Lords were evident. The House of Commons had lost in general esteem during the war; the House of Lords had gained. The two opposition parties, in particular, found that the wartime House of Lords, in contrast with the House of Commons, permitted freedom of discussion. As Lord Buckmaster, an advanced Liberal, said in 1922, "there is in this House an opportunity for speech upon all subjects which is denied in another place."[2] One consequence was that when Labour came to form its first ministry in 1924, it made no suggestion that reform or destruction of the House of Lords was in its program. Whatever Labour in the country may feel, the Parliamentary Labour Party looks at the House of Lords, now that its power is limited, as at least a potential bulwark of freedom.[3]

[1] The "Report" is a *Parliamentary Paper,* Cd. 9038 of 1918. Fisher, *op. cit.,* vol. II, pp. 168-73, gives a good account. The ordinary unthinking Conservative point of view is expressed in Sir John Marriott's *Mechanism of Politics* (vol. I, p. 430): "From the Report of the Bryce Committee any reconsideration of the question must take its start."

[2] 49 *House of Lords Debates,* 5th Series, 48, February 7, 1922.

[3] The practical attitude of the Labour Governments toward the House of Lords has been assumed with distinct political skill. Such representation as they have needed in the Lords, in order to give the upper House its due representation in office, has been secured partly from the peers (about eight in number) who have joined the Labour Party, and partly by the making of a few new Labour peers. The MacDonald ministry of 1924 created three peers for official purposes, Lords Arnold, Olivier and Thomson. The MacDonald ministry of 1929 created two official peers upon taking office, Mr. Justice Sankey, the Lord Chancellor, and Mr. Sidney Webb, the secretary of state for the dominions. There are no heirs to any of these peerages. The Labour ministries thus accomplished two ends. They caused themselves to be represented in the

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But while Asquithian Liberals and Labour members were learning to appreciate the virtues of the upper House, most Conservatives were growing more and more afraid of "advanced" policies. With the growing strength of Labour since the war, a great many Conservatives sincerely believed that only the House of Lords stood between the country and revolution. At the same time the economic forces behind the Conservative Party were changing. From being a party of landowners, it has become the party of bankers, industrialists and big business men. Its new leaders are not primarily interested in a hereditary House of Lords, which they are inclined to consider both old-fashioned and inefficient. But they are very anxious to preserve capitalism and the economic privileges of the well-to-do. The stage was set, therefore, for an attempt to make the House of Lords more powerful, in return for which the principle of hereditary membership would be given up.

The first attempt at this sort of reform was made during the coalition ministry of Mr. Lloyd George. In appearance the attempt, being supported by the ministry, was non-partisan; in fact it was backed by the Conservatives in the ministry. Resolutions prepared by a cabinet committee presided over by the Marquess Curzon were introduced into the House of Lords on July 18, 1922, and debated for several days. It was at that time too late in the session to expect action on the resolutions, however acceptable they might prove to be to the House.[1]

Lords by persons of ability, wealth or social position entirely the equals of peers who had belonged to Conservative ministries. And they begged the question as to whether the Labour Party would act to perpetuate a hereditary upper House. (It has of course been pointed out that childlessness is of all qualifications for becoming a peer the most irrational.)

In July, 1929, the Labour Government created two unofficial peerages. One of the men ennobled has children.

[1] A preliminary skirmish had taken place in February, when the King's Speech, in a fashion similar to the King's Speeches of 1920 and 1921, had announced that "proposals will be submitted to you for the Reform of the House of Lords and for the adjustment of differences between the two Houses." (49 *House of Lords Debates*, 5th Series, p. 3, February 7, 1922.) The Earl of Pembroke, a Unionist, in moving the address, spoke of the desirability of the subject's being dealt with by the present non-party Government. The Marquess

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The proposals were:

(1) The House should be composed of:

(a) peers of the Blood Royal, Lords Spiritual, and Law Lords,

(b) members from outside, elected either directly or indirectly,

(c) hereditary peers elected by their own order,

(d) members nominated by the Crown, the number to be determined by statute.

(2) Except for peers of the Blood Royal and Law Lords, every member of the House should hold membership for a term of years to be fixed by statute, but should be reëligible.

(3) The House should consist of about 350 members.

(4) The House should not have power to reject a money bill, but a joint standing committee of both Houses should have final power to decide what is a money bill. This committee should be composed of seven members of each House, with the Speaker as chairman.

(5) The provisions of the Parliament Act allowing the passage of bills without the consent of the House of Lords should not apply to future changes in the House of Lords.[1]

The reception of the proposals was hostile outside the House of Lords and frigid within. Nobody seems to have been satisfied with the proposals, and indeed, as the Marquess of Crewe said, the Government itself seemed to have been unable to agree upon any of the crucial details.

The greatest difficulty was what to do in case of a dispute between the two Houses. Here the Bryce Commission had

of Crewe, a Liberal, leader of the Opposition, issued a warning which is thoroughly characteristic of Liberal thought:

"Of one thing, however, I am quite sure," he said, "namely that it would be worse than useless to attempt to set up a Second Chamber as a solid bulwark of property against attacks which may be made upon property, whether property in land, or in money, or in anything else, by some party at some future date. If the institution of property is to be safeguarded from attacks by those who hold what we call wild views on the subject, it can only be by convincing the majority of the people that those wild views are wrong." (*Debates,* pp. 17-18.)

[1] 51 *House of Lords Debates,* 5th Series, pp. 324-25.

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made a suggestion, if a poor one, but the Government's resolutions suggested nothing. The Conservatives, who wanted action, thought that the Government should have made definite proposals as to methods of election of the elective members; here was one of the points on which the Bryce Commission had been unable to agree. Many supporters of the Government were disappointed because it did not propose to restore the Lords' pre-1911 veto over ordinary legislation. Non-Conservatives distrusted the suggestion of a committee to decide what were money bills, since the seven peers on it were certain to be Conservatives. To liberal-minded persons the worst proposal of all was the suggestion to give special protection to the House of Lords so that neither its constitution nor its powers should ever again be changed without its consent. This would make impossible any future proposal to overcome the Lords' opposition by a creation of peers—a power which had been necessary in 1832 and 1911 alike. This last proposal, though the most important, was not much discussed by the Lords themselves, though it became the heart of the 1927 proposals. It was more than reactionary, since it would have resulted in a House of Lords more independent than the House of Lords had ever been before.[1]

The debate was held. There were sufficient indications that Conservatives both in the House and in the country were avid for a House of Lords stronger and not less Conservative than the existing one. And then, owing at least ostensibly to the lateness of the session, the subject was dropped.[2]

[1] The debate will be found in 51 *House of Lords Debates,* 5th Series, pp. 524-69. It is discussed in Lees-Smith's *Second Chambers,* in the *Annual Register* for 1922 (pp. 83-85), and particularly in an article by Mr. Lees-Smith in *Economica,* vol. III, pp. 98-102 (June, 1923).

[2] A good example of the attitude of the Conservatives in the country is furnished by Mr. Harold Cox, editor of the *Edinburgh Review,* whose articles have appeared frequently and whose comments are vigorous as well as revealing. In April, 1922, he wrote that a Labour Party with a majority might in their first session pass laws abolishing the House of Lords, the throne, etc., so that in two years the ancient institutions of the land would be gone. "Those suggestions may to some people seem fantastic, but they are entirely consonant with the spirit habitually displayed by large numbers of trades-unionists since the unions

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The Coalition Government fell, and Mr. Bonar Law became prime minister of a purely Conservative Government with a Conservative House of Commons. During the general election of 1922, and later on in Parliament, the spokesmen of the Government stated that there would be no time to consider House of Lords reform for two sessions.[1] The Conservative Government fell before the appointed time arrived, and the next consideration of the matter was in March, 1925, after the Labour Government had fallen and the Conservatives had returned to power with a large majority and a strong sense of party solidarity.

In March, 1925, the Duke of Sutherland asked if the Government were prepared to introduce legislation for House of Lords reform, as they had suggested during the recent election. An interesting debate followed, revealing many varieties of opinion. The duke seemed to fear what a Labour Government would do if it should come into office backed by a House of Commons majority. "I believe that an unreformed hereditary House on present lines would not be endured for six months by a real Labour Government with a clear majority and full powers; it would be abolished altogether by means of the Parliament Act." Therefore he urged the Conservative Government to take action; he doubted if any Government after the present one could carry the reform if it wanted to.[2] In

came under the control of the socialists. At any rate, so long as the Parliament Act of 1911 remains unrepealed or unamended, any unscrupulous party that succeeds in snapping a majority at a general election will have power to pass into law any measures that it chooses to put forward, regardless of the well-being or the wishes of the country." These dangers "can only be avoided by re-establishing the veto of the Upper House and by so reforming that House that it will not be afraid to use its veto." (*Edinburgh Review*, vol. 235, p. 398.)

A few months later Mr. Cox suggested that "a purely partisan second chamber may be itself a national danger." (*Ibid.*, vol. 237, p. 201, January 1923.) But all his suggestions would lead inevitably to a permanently Conservative second chamber as the only bulwark against revolution.

[1] 52 *House of Lords Debates*, 5th Series, pp. 261 *et seq.* (December 5, 1922). See also *Edinburgh Review*, vol. 237, pp. 196 *et seq.* (January, 1923). For a further discussion in the House of Lords, on a motion of Lord Newton on March 22, 1923, see the *Annual Register* (1923), p. 33.

[2] 60 *House of Lords Debates*, 5th Series, p. 691.

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other words, the duke thought that it was the last opportunity that would ever occur to preserve the Constitution. Presumably he wanted the House of Lords reformed, and then, in the spirit of the fifth resolution of 1922, made permanently unreformable.

Lord Haldane, the Labour Party's leader in the House of Lords, suggested that the best solution for the problem, since attempts to reform had been made ever since 1888 and had broken down, was to let time settle the matter. The House of Lords had become responsible to public opinion. It had been very good to the recent Labour Government (in which he had been Lord Chancellor). "Let well alone. Things are not worse than they were; they are better than they were."

Lord Oxford and Asquith, the Liberal leader, spoke of his belief in the necessity of a second chamber and stated with his customary clarity his view of its proper functions.

> I think the Second Chamber in this country—from which I entirely agree authority in finance ought to be removed, as it has been—ought to have legislative initiative in all matters which are not covered by that exception. I think, further, it ought to have . . . the power of free, untrammeled, independent criticism of the policy and action of the Executive of the day . . . [it] ought to have, as it was our intention in the Parliament Act that it should have, the freest and fullest powers of revision, of consultation, and, within reasonable limits, of delay.

Lord Cave, speaking for the Government, agreed that things could not be left as they were. The situation with money bills was bad. There was danger in regard to other bills. He suggested that the Parliament Act had never really been tried out, only two bills having become law over the veto of the Lords, one of which had been at once amended, and the other repealed.[1] He seemed to like the idea of a referendum for the

[1] The best brief account of the actions of the House of Lords in regard to distinctively Liberal legislation just before and just after the passage of the Parliament Act in 1911 is in the second volume of Lord Oxford's *Fifty Years of British Parliament*. Lord Oxford shows clearly that the very existence of the Parliament Act restrained the House of Lords from a consistently obstructive attitude in regard to legislation which the Conservative Party disliked.

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settlement of differences between the Houses. For the Government, he promised that the prime minister would appoint a committee of the cabinet to consider the matter.[1]

Other speeches were made, the Conservatives suggesting that a stronger House of Lords was desirable, the Liberals and members of the Labour Party that things were well as they were. The Earl De La Warr, a very young nobleman of bluest blood, widest acres, and uncompromising socialism, at the close of the debate asked the Government whether their intention was to disguise the House so that it could regain its old powers, or to give England a really democratic second chamber. Why, he asked, do the Lords assume that their House could never be in sympathy with the Labour Party, unless because Lords vote only in favor of their own interests?[2]

Again it seems to have taken a cabinet committee a long time to discuss a much discussed matter. There continued to prevail a general conviction that the Government did intend to carry some measure of House of Lords reform before the end of the Parliament elected in 1924. Indeed the matter was considered one of their deepest concerns. But they put off announcing any plan.

Suddenly the question was revived—by accident, if we can believe the actors—and brought to a dramatic and final crisis. In 1927 notice was given in the usual way by Lord FitzAlan of Derwent that he intended to move a resolution:

> That in view of the long standing declarations of Ministers that reform of the Second Chamber of the Legislature is of urgent importance to the public service, this House would welcome a reasonable measure limiting and defining membership of the House and dealing with the defects which are inherent in certain of the provisions of the Parliament Act.

[1] It is worth noting that three committees within ten years considered precisely the same subject: first the non-partisan Bryce committee, then a cabinet committee of the Lloyd George Coalition, reporting in 1922, and finally this third committee, a cabinet committee of the Conservative Government. (Its report is discussed below.)

[2] The debate is in 60 *House of Lords Debates,* 5th Series, pp. 685-982. See also the *Annual Register* (1925), pp. 33-35.

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June 20 was set as the date on which the resolution would be debated. It was the heart of the social and political season, but what the public expected was an academic debate, much like those of 1922 and 1925. What occurred was the sudden intervention of a spokesman for the Government, who announced a program for immediate legislation. Lord FitzAlan was not a member of the Government, and afterwards denied having known that the Government intended to take over the debate. Otherwise, since Lord FitzAlan had been chief Conservative whip in the House of Commons from 1913 to 1921, he would have been suspected of friendly connivance with the Government in letting them use his private member's motion as a convenient springboard for their proposals of legislation.

At any rate, when Lord FitzAlan spoke on behalf of his resolution, he made a rather general speech rehearsing the conventional Conservative views which previous post-war debates had made known. He urged a reorganized House, with elected members, and some nominated members, to ensure, among other things, an adequate Labour representation in the upper House when Labour should be in power. When he came to consider the question of the powers of the second chamber, he agreed that they must be of necessity, and ought to be, less than those of the popularly elected assembly. He wanted the Parliament Act amended so as to take away from the Speaker of the House of Commons the sole power to decide what was a money bill. And he wanted it amended further. As matters stood, he said, a Government with a majority in the House of Commons lasting for two years could in a perfectly legal way, and without consulting the people of the country, abolish the monarchy. It should not be able to do so without the second chamber's having the right to insist that the people should pronounce their verdict before such a measure should become the law of the land. Such a Government could likewise abolish the House of Lords, and he "said without hesitation" that "the Socialist party were against Second Chamber government, and when they got the chance that would be brought about."[1]

[1] The quotations from speeches in this debate are, unless otherwise noted, from

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The speech of Lord FitzAlan is an example of Conservative fears, and suggests the mild Conservative remedy of requiring a referendum before any revolutionary legislation. The Duke of Marlborough spoke next. In a perhaps characteristic manner, he had put down an amendment on the paper: "That in view of the failure of any scheme of the House of Lords reform to arouse interest, this House regards further discussion of the question as inopportune and unprofitable." In his speech, he said that any modification in the composition of the House of Lords would probably lead to complete change. As to powers, he said that the privilege of two years' delay was the only power that the House of Commons would allow the House of Lords. As to revolution, he did not fear it in the English people. "The King and members of the Royal Family were to-day the most popular people in the country."

In the third speech in the debate, the Earl of Arran, a Liberal, announced his intention to move an amendment to Lord FitzAlan's resolution to the effect that no action should be taken on so grave a subject until the electorate had expressed its views; thus he turned the Conservative idea of a referendum against the Conservatives. He seemed to think that the House of Lords and the hereditary principle were alike unpopular.

At this point the surprise occurred. The Lord Chancellor, Lord Cave, intervened, and said that he wished to state the views of the Government on the subject. He thus gave the rest of the debate a very practical nature. The cabinet committee appointed two years previously had reported, he said; he was now making a definite announcement of the views of the Government, though of course its views might be modified in the course of the present debate.

In regard to money bills, the Government suggested that a joint committee of equal numbers from the two Houses, choosing its own chairman, and looking at substance as well as at

the reports in *The Times*, which in this case reported somewhat more fully and more informally than (though with as great accuracy as) the official reporters. I have used also the official reports in the *Parliamentary Debates*.

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form, should decide what was a money bill.[1] As to local rates, the Government would restore equal power over them to the House of Lords. As to the powers of the House of Lords, the provisions of the Parliament Act should not allow the passage into law without the consent of the House of Lords of any bill altering the constitution or powers of the House of Lords. As to the composition of the House, the Government wished some members elected, and some nominated for twelve years, enough so that the Labour Party would have adequate representation in debate.[2] The present size of the body was too large; the hereditary peers should elect some of their members for twelve years, and the total size of the House should not be over 350. Peers not elected to the House of Lords should be eligible for the House of Commons. "It might be said", concluded Lord Cave, "that there was peril in touching the ark of the Constitution; but the Constitution received a blow in 1911 from which it would not recover unless their lordships found some means of enabling it to do so."

From the speeches of the other peers who spoke, both on this and on the other two days of the debate (June 22 and 24), it was clear that the Government's proposals had very strong and very general support among the Conservative peers. Many Conservatives, indeed, expressed ideas much more extreme than those of Lord Cave. Lord Selborne, for instance, wished to add the monarchy to the institutions which could not be touched without the House of Lords' consent. The Duke of Northumberland went so far as to maintain that the House of Lords was "more representative of all the important interests

[1] A comprehensive discussion of the question of money bills is given by D. Rowland Evans in "The House of Lords and Money Bills," *Contemporary Review*, vol. 132, pp. 623-28 (November, 1927).

[2] "Such representation as is, half contemptuously, accorded to Liberal and Labour opinion will depend on a Conservative ministry's opinion of the desirability of the individual Liberals' or Socialists' presence. The opposition so nominated might be deliberately kept as weak as possible". Such is the reflection of a representative Liberal in regard to this suggestion—Sir Charles Hobhouse in the *Contemporary Review*, vol. 132, p. 147 (August, 1927). As to members of the Labour Party, they have never expressed a desire for nominated representation of their party in the House of Lords.

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of the country than the House of Commons," and that "the people of this country no longer believed in democracy as a principle at all." The Lords, he said, should "seize this opportunity to put their House in a position to play that part which it had so often played in the past history of the country, of being the last line of defense against the forces of tyranny and chaos."

For the Labour Party Lord Haldane and Lord Parmoor pointed out that they could not agree to increasing the power of the House of Lords in relation to the other House. The leader of the Liberals in the House of Lords, Lord Beauchamp, pledged the opposition of his party also.

Other ministers who spoke gave, from different points of view, support to the proposals outlined by Lord Cave. Lord Salisbury (Lord Privy Seal) gave it as his personal view that the proposals were "intended to protect the considered judgment of the people, and to see that their power was not abused by a temporary wave of opinion which might put the Labour Party in office and lead them to work mischief which the country did not really desire." Any reform that might be suggested, he furthermore maintained, would necessarily include limitation of members, and so end the power of swamping the House of Lords by new creations.

When it came to the vote, the motion of Lord FitzAlan was carried without a division. The Duke of Marlborough had withdrawn his amendment. The vote on the Earl of Arran's amendment was 54 for and 212 against.[1]

For four days there was excitement, and a feeling of expectancy, mingled with a fear that the Government would do what it said, and with its huge majority in both Houses would

[1] 67 *House of Lords Debates,* 5th Series, p. 1008. According to Lord Beauchamp (*Contemporary Review,* vol. 132, p. 142, August 1927), "The voting though technically on Lord Arran's resolution, was really concerned with Lord Cave's suggestions. . . . What, however, is remarkable is that there were some forty-nine or fifty Peers in the House who absented themselves without voting, while in the minority there were a number more who voted not because they approved of the amendment but because they disapproved of the Government's scheme. . . . Great pressure was brought to bear upon Peers to vote with the Government, and even officials of the Court made an unusual appearance."

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carry speedily an act which, more revolutionary by far than that of 1911, would put the House of Lords in a permanently privileged position and deliver it forever into the possession of the Conservative Party, beyond hope of constitutional rescue. In the political correspondence of the *Times* for June 29, five days after the vote in the House of Lords, there appeared without explanation the statement:

> It is understood that, in view of the mixed reception given to its proposals for the reform of the House of Lords by members of the Conservative Party in the House of Commons, the Government will not proceed with the scheme as outlined by Lord Cave . . . but will next session propose amendments in the Parliament Act referring to Money Bills.

And from that time on, House of Lords reform as proposed by Conservatives has been completely dead. The general election of 1929 transferred power to the Labour Party, and it seems unlikely that the Conservative Party will soon have again a sufficiently large majority to carry out their plans. What the Duke of Sutherland said in 1925 proved to be true. The Conservatives had their only opportunity. Why did they not take it? The answer is an interesting bit of parliamentary and party politics.

Though as soon as Lord Cave made his proposals, the newspapers became full of the subject, the crisis was so short that only what are known as "political circles" had time to become excited. The mass of the people was unstirred, being largely preoccupied with "greyhound racing" or with the Chancellor of the Exchequer's plan for a new variety of "company tax".[1] For a limited time, however, within the circles interested, the reform proposals became the leading political issue.

The daily Conservative press was inclined to be favorable to the Government. The number of newspapers really Liberal in politics is few, but they and the papers which were not unfriendly to the Liberal Party (the *Daily Express*, and other Harmsworth and Beaverbrook organs) were inclined to oppose.

[1] See on the company tax the *Annual Register* for 1927, p. 66.

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The Labour Party does not reach the general newspaper public with any organ. But for one paper, the tone of the metropolitan press might have been considered to shade from very favorable to mildly opposed, with the weight on the side of the Government. The one exception was the *Observer*, the Sunday paper of the upper classes. Mr. J. L. Garvin, its editor, created a newspaper sensation by his editorial on June 26. Speaking as a good Conservative and a better Unionist, he entitled his leading article "Doomed", and argued that any attempt of the Government to make its proposals law would result in the ruin of the Conservative Party. Probably this editorial was the greatest single influence in persuading the ordinary Conservative that the Government was making a mistake.

Among politicians, however, there was much variety of thought. At first, members of the Liberal and Labour parties were a little worried. Almost at once, however, it was they who were cheered and the Conservatives who were disturbed. For the weakness of both opposition parties was the lack of a simple, vital and intelligible issue with which to make a bid for popular favor, and the Government was about to present them with just the kind of issue they needed. The Liberals in particular, who always thrive on a constitutional issue, and who had won the battle over the House of Lords in 1911, were delighted at the prospect of an opportunity to use over again the same weapons on the same ground against the same foe.[1]

As for the Conservatives, they fell into three groups. First were the earnest and convinced believers in privilege, of whom the Marquess of Salisbury, the Duke of Northumberland, and many other peers are examples. Second was the large group of Conservatives who were politicians first and men of rigid

[1] A formal expression of the Liberal point of view is in Earl Beauchamp's article "The House of Lords" in the *Contemporary Review*, vol. 132, pp. 137-42 (August 1927).

Other Liberal views will be found in Sir Charles Hobhouse's article, pp. 143-50 of the same issue, entitled "The Liberal Revival"; and "The House of Lords and Money Bills" by D. Rowland Evans, *ibid.*, vol. 132, pp. 623-28 (November 1927).

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political principle afterward. Some of these believed that reaction was the best policy. Others believed, in view of the fact that the Conservatives, who had a huge majority in the Commons, had polled a distinct minority of the popular vote, that the country was not in an essentially conservative mood and that reaction would be a political mistake. The third group, which was typified by the "young Conservatives", was made up of those members of the Conservative Party whose views were not conservative at all. Since the war, the Conservatives had been in power most of the time. Consequently most aspirants to a political career had joined the Conservative Party. Strongly tinged with "socialism" and full of liberal ideas, these men were Conservatives only in name, and had no sympathy with typically Conservative policies such as the projected reform of the House of Lords.

The Conservative Party in the House of Commons was made up largely of the second and third groups, and the great majority of these groups, though they might be in favor of a strong second chamber, were not in favor of a strengthened House of Lords.

Why then did the Government make its proposals, and not only that, but why did it declare its intention of making them law in that very session of Parliament? It appears that the cabinet had not consulted even the party whips, before Lord Cave's speech.

There would seem to have been three groups in the cabinet. First were the reactionaries, the "die-hards".[1] They seriously believed in the reform proposals. Secondly were the opponents of the reactionaries. They believed that the only way to settle the question and allow the House of Lords to rest in peace was to let the reactionaries make their proposals and be defeated. The third group is thought to have consisted of one man, Lord Birkenhead. One minor but definite proposal of the Government was that peers not elected to sit in the reformed House of Lords would be eligible for seats in the

[1] The particular names usually placed in this group were Winston Churchill, L. C. M. S. Amery, the Earl of Birkenhead and the Marquess of Salisbury.

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House of Commons. It was suggested that since Lord Birkenhead could no longer be Lord Chancellor, he would like to be a member of the House of Commons and eventually become heir to Mr. Baldwin as prime minister. It should be noted that all these three groups might, for their very different reasons, unite in support of the one policy adopted.

A group of Conservatives which were perhaps underrepresented in the cabinet was that group of very wealthy and very able business men, industrialists and financiers who had come, for various reasons, to support the Conservative Party, though many of them had grown up in the nineteenth-century tradition in accordance with which industry was Liberal in politics. When their voice was heard, it prevailed, and their voice was heard through the party organization.

It so happened that the semiannual meeting of the Central Council of the National Union of Conservative and Unionist Associations was to be held in London on June 28, just after the Government formulated its proposals. The National Union, in its large annual gatherings, had unanimously passed resolutions in favor of House of Lords reform every year since 1920. It was expected that the Council of the Union would, as the governing body, express the views of the party in the country as to the Government's proposals. A resolution was offered for the approval of the Council, in the name of Sir John Marriott, M. P. It expressed satisfaction with the proposals of the Government, and pledged the Council to support the bill which the Government was to bring in to carry them out. A counter-resolution was moved by Sir Arthur Shirley Benn, M. P., who had been President of the Association of British Chambers of Commerce from 1921 to 1923, and Chairman of the National Unionist Association in 1921. Sir Arthur Shirley Benn moved that, "Whilst agreeing with the necessity for reform of the Second Chamber, this Council considers that no definite proposals should be made until the matter has been fully considered by the Conservative and Unionist members of Parliament." The latter resolution was lost by a large majority, and Sir John Marriott's resolution carried. But it was as a result of this meeting that the Government, as next morning's *Times*

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was to announce, postponed their plans indefinitely. The die-hards might muster a majority of the votes in a party gathering, but in the last analysis it was the group of influential men represented by Sir Arthur Shirley Benn who dominated the party. Such men were realists, with a knowledge that the country would no longer tolerate hereditary privilege.[1]

After it became understood that the Government would not try to carry out its proposals, the question of House of Lords reform was really dead. A matter which concerns the House of Commons, as this does, cannot, however, be allowed to go without comment by that House. It was necessary also that the Labour Party, the official Opposition, should take a formal stand. On June 29 Mr. Ramsay MacDonald gave notice in the House of Commons of a vote of censure on the Government, and the debate on his motion was held on July 6. Mr. MacDonald moved:

> That this House regrets that the Government has put forward a scheme for fundamental changes in the House of Lords which gerrymanders the constitution in the interests of the Conservative party, deprives the House of Commons of that control over finance which it had possessed for generations, entrenches the House of Lords, on a hereditary basis, more firmly against the people's will than for centuries past, and, in defiance of every precedent of modern times, robs the electors of power to deal with the House of Lords; and this House declares that it will be an outrage on the constitution to force such proposals through Parliament without a mandate from the People.[2]

There was little to say and little was said, on the vote of censure, that had not been said in the debate in the House of Lords. Neither Mr. MacDonald, nor Mr. Lloyd George for the Liberal Party, nor the Conservative ministers, did themselves justice. The success of the debate was made in the maiden

[1] But Sir John Marriott in a letter to the *Times* published July 1 wrote that the majority of Conservatives wanted an amendment of the Parliament Act as to the powers of the House of Lords, but preserving the composition of the House untouched.

[2] 208 *House of Commons Debates*, 5th Series, p. 1279.

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effort of Colonel John Buchan, a man best known as a romantic novelist. In a conciliatory and effective speech Colonel Buchan called the Parliament Act crude, but spoke of the change in conditions since 1911 and expressed the opinion that "daily the crude façade of the House of Lords was becoming mellowed with time and almost looked like the old building"—so that, he thought, the Parliament Act was better than any successor could be.

The vote on Mr. MacDonald's motion was of course treated as a vote of confidence in the Government rather than as a vote on the merits of the Government's reform proposals; consequently 167 members of the House of Commons supported the vote of censure, while 362 members upheld the Government.[1]

As far as the opposition parties were concerned, they seem to have believed that the Government had given up any serious idea of attempting to carry out any changes in the House of Lords. Within the Conservative Party, however, the agitation was kept up, and encouragement was given by the fact that Lord Salisbury, when questioned in the House of Lords on July 20, repeated that the proposals of the Government still remained the proposals of the Government.[2]

In October, 1927, there was another reminder of the permanence of reactionary thought in the Conservative Party. The annual conference of the party was held in Cardiff. A resolution was passed, backed by a large majority of the conference, offering "hearty congratulations to the Government on its resolve to deal with the problem of the House of Lords

[1] In addition to the *Parliamentary Debates* and the *Times*, see also the *Annual Register* for 1927, pp. 60-65, for the story of the 1927 proposals. One of my most important sources for the crisis of 1927 is private information.

[2] 68 *House of Lords Debates*, 5th Series, pp. 664-75. Another article by Mr. Harold Cox, in the *Edinburgh Review* for July, showed by its vehemence that though the Government might for political reasons assume a moderate attitude, many of the Government's supporters still wanted an ultra-conservative policy. After fighting over again the battles of 1909 and 1911, Mr. Cox said that "barring its excessive size, the present House of Lords is probably a better second chamber than is to be found in any other country", and "under present conditions it is the House of Commons, not the House of Lords, that threatens the liberties and also the prosperity of the nation." *Edinburgh Review*, vol. 246, pp. 396 and 401.

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during the lifetime of the present Parliament" and pledging support "for those measures necessary to assure that the will of the people shall be safeguarded by an effective Second Chamber". The *Times* dismissed the resolution as "not practical politics", and there was a general feeling that the Government would do nothing further for fear of further weakening its position.[1]

The reformers, however, continued to prod the Government. When the King's speech opening Parliament in 1928 failed to refer to House of Lords reform, Lord Salisbury said in explanation that the Government wished to limit the work of the session so as to end the session in the summer. Moreover, he said, the reception by the House of Commons of the proposed changes had made their reconsideration necessary. As to the Government's undertaking to pass a law on the subject during the present Parliament, he pointed out that the Parliament was not yet at an end.[2] Unsuccessful attempts were made at various times during the session to get the Government to explain its plans for action in regard to the Lords.[3]

The Government was finally driven to an open stand in December, 1928, when Lord Clarendon introduced into the House of Lords a resolution proposing to reform that body by limitation of its membership and in other ways. The Lord Chancellor (Lord Hailsham), for the Government, refused to

[1] See *Round Table*, no. 69, pp. 121-22 (December, 1927).

[2] 70 *House of Lords Debates*, 5th Series, pp. 14-32.

[3] The discussion on the omission in the King's speech came on February 7. Later in the month, on February 20, Lieutenant-Commander Kenworthy of the Labour Party tried and failed to get a definite answer from the prime minister as to what was being or was to be done about House of Lords reform (213 *House of Commons Debates*, 5th Series, p. 1212). On April 3 Mr. L'Estrange Malone asked the prime minister if he would introduce a measure for House of Lords reform before the next dissolution of Parliament, and the prime minister's reply was that he could not anticipate the contents of the King's speech of the autumn (*ibid.*, vol. 215, p. 1762). On April 26 Mr. Wardlaw-Milne asked for a statement, and was referred to the answer of April 3 (*ibid.*, vol. 216, p. 1072). Finally, when on May 17 Mr. Kenworthy repeated his request for information and, on being referred to this same answer of April 3, asked what the answer of April 3 meant, the prime minister refused to explain (*ibid.*, vol. 217, pp. 1202-3).

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accept the resolution, for two reasons. First of all, no measure of such importance could be carried without general consent, in the few remaining months of the Parliament. And further, if the Government gave the resolution its support, that part of it which proposed limitation of membership would be misrepresented by unscrupulous opponents as an attempt of the Conservative Party to entrench themselves as a permanent majority; and the Government should not be put in the position of seeming to make this attempt. On a later day Lord Salisbury for the Government admitted that the obstacle to the Government's saying just what its own ideas were on House of Lords reform was "disagreement between the Government's friends, particularly in the House of Commons, where the younger men could not be brought to realize the necessity of a strong Second Chamber."[1]

Thus confessing its inability even to formulate a program, Mr. Baldwin's Government brought the Parliament to an end on May 10, 1929. During the general election that followed the question of the House of Lords played no part at all except for the attempt, apparently unsuccessful, of some newspapers and individuals to convince the electorate that the Labour Party if victorious would abolish the House of Lords altogether.[2] It seems altogether probable that the question will not arise again during the life of the new Parliament.

EUGENE PARKER CHASE

LAFAYETTE COLLEGE

[1] See the *Times* for December 14, 1928. The debate will be found in 72 *House of Lords Debates*, 5th Series, beginning at page 484.

[2] See, for instance, the *Daily Express* during the election.

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REVIEWS

The Growth of Philosophic Radicalism. By ELIE HALÉVY. Translated by Mary Morris. New York, The Macmillan Company, 1928.—xvii, 554 pp. $8.50.

This volume is a sound translation by Mary Morris of the classical work of the distinguished French historian, Elie Halévy. M. Halévy's work is a study as indispensable as Sir Leslie Stephen's for the understanding of the Utilitarian school. In writing of the epigoni, James Mill, Ricardo, Francis Place, although his treatment is brief, M. Halévy's style is admirably lucid. In his chapters, however, on Bentham, a philosopher who, if one of the most influential, was one of the dullest that ever writ, M. Halévy seems to get infected with Bentham's own mannerisms and it becomes almost impossible to see the wood of the system for the trees. With the object of reducing the *corpus* of law to such simplicity that every-man might be his own lawyer, Bentham spent a long lifetime turning out a mass of treatises unrivaled for the pedantic obscurity of their jargon. As a consequence Bentham's own work is far less well known and appreciated than the esteem might have rendered probable in which it was held by the influential group of his junior contemporaries gathered round James Mill and later John Stuart Mill. The diluted Utilitarianism of that eminent Victorian, Mr. Stuart Mill (as all Frenchmen seem condemned to call him), has attained great prestige and wide popularity, but the more robustly rebellious and characteristic teaching of the Elder Philosophers has now become chiefly of use as a target for any undergraduate who wishes to demonstrate the superiority of modern psychological subtlety to eighteenth-century dogmatism.

In the point of fact, when we get behind the thickset hedge of "the interest and duty junction prescribing principle", and the like, Bentham is neither so crude nor so original as is generally supposed. On the one hand, Bentham expressly insists that "'tis vain talk of adding quantities which after the addition will remain as distinct as they were before, one man's happiness will not be another man's happiness . . . but it is not more fictitious than that of the equality of

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chances to reality, in which the whole branch of the Mathematics which is called the doctrine of chances is established". . . it "is a postulation without the allowance of which all political reasoning is at a stand". On the other hand, that pleasure and pain are the "two sovereign masters" is no new principle but is almost verbally anticipated by Mandeville, Mercier and Helvétius, as is the "association principle" by Gay and Hartley and the "greatest happiness principle" by St. Pierre and Priestley, Helvétius and Beccaria. And the number is many of Utilitarians before Bentham, not exceeding the venerable company of Archdeacon Paley and Dr. Johnson. With Jeremy Bentham the debt is paid back to Britain which French philosophy incurred by its borrowings from John Locke and David Hume. The philosophy of the older Utilitarianism, before its adulteration by J. S. Mill, can be studied to at least as much advantage in the lucid and suggestive writings of Helvétius and the Encyclopedist writers as in the crabbed phraseology of Bentham, whose chief contributions are a laborious precision—"A Methodist is what I should have been"—and a cornucopia of would-be practical applications. The same problems which beset the Encyclopedists—the question of whether to rest their philosophy on an *ordre naturel* or to appeal to the legislative manipulation of a scientific government to weight egoistic advantages in the direction of social harmony and the identification of interests, the question of the relation of scientific government to the popular will—are those which beset the Utilitarians. The Encyclopedists waver between the patriarch of Ferney's praise of Frederick the Great and praise of the sovereign will of the people as expounded by the author of the *Nouvelle Héloïse;* the Utilitarians waver between Bentham the Tory and Bentham the granddad of a Philosophic Radicalism whose other grandfather was the author of *Caleb Williams.* The two movements are so similar in scheme; in mood, as different as the Gallic temperament and *la morgue Anglo-saxonne.*

Nor is it fair, as M. Halévy's book admirably brings out, to label the Utilitarian school as one of doctrinaire *laissez-faire* and of a *démodé* insistence that economic law should be permitted to take its own natural course. It may have been such in the hands of a M'Culloch, but in Bentham's writings, as in those of d'Holbach, there are quite other possibilities. It is not only a natural law but a law capable of rational comprehension and control. To assert that there is a natural law of gravitation which conditions our lives is no reason for sitting on the edge of a precipice and permitting the law

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of gravitation to take its course. Bentham, having in this respect more in common with John Stuart Mill than with his dour father, is no more averse than the Physiocrats to eking out a fundamental natural law, which eliminates the anti-social in the long run, by means of an artificial reconciliation of interests engineered by discreet legislation.

If modern "true blue" Liberalism traces from J. S. Mill, modern British Socialism can find a parent (however unlooked for) as much in Bentham as in the exiled prophet whose bones rest at Highgate. And if Socialists may well object to an ancestry which traces through Bentham to Hobbes—although even the Benthamite Ricardo maintained that it would be "better to have a world built like the communist villages dreamed of by Robert Owen"—it may reconcile them if they reflect that the intermediaries between Hobbes and Bentham are the nursing fathers of the French Revolution and that the fathers who begat them are the famous men of the *Éclaircissement*. A study of the thought and accomplishments of these men leads us to be more skeptical of the Master of Balliol's conviction—expressed in the preface but not apparently shared by M. Halévy—that the consequences of their belief in the possibilities of applying to the study of man and society the principles and methods of the physical sciences are to be described as "curious aberrations". The advance of systematic knowledge (as M. Halévy remarks concerning economics) and the improvement of human civilization owe much to these pioneer rationalists in social affairs—more, we suspect, than to their secular antagonists, from Edmund Burke to this day, the moral intuitionalists.

GEORGE E. G. CATLIN

LONDON, ENGLAND

Quantitative Methods in Politics. By STUART A. RICE. New York, Alfred A. Knopf, Inc., 1928.—xxii, 331 pp. $3.25.

In this book Professor Rice has collected in convenient form a number of articles which he and others have written using statistical methods for studying political problems. The book is an outstanding contribution to methodology in the social sciences. A sociologist has used techniques developed by economists and statisticians to analyze political data. Dr. Rice is well trained in the three fields and he has presented his findings with true scientific caution.

In the beginning chapters the author endeavors to give a con-

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ceptual background for the later studies. According to his view, science can point the way to the attainment of ends, but it cannot determine the means, except as they may be deduced from other ends. If this is so, should political scientists give up trying to find a scientific solution for the problem of the best organization for municipal government? How are ends to be distinguished from means? Dr. Rice does not answer such questions as these. However, he does offer some hope for the development of the social sciences. He can see no real distinction between the so-called natural and the social sciences; both are based upon probabilities which are statistical in character. His advice to social scientists is to look for *correlations* or concomitant variations and not for *causes*. The pure historical and case-study methods are not scientific in that their units are single events. In dealing with conceptual problems of this sort, Dr. Rice is less ambitious and more closely rooted to the ground than Catlin.

The author has disarmed criticism of his book on the ground that the subjects discussed are of a limited nature. He is the first to recognize the limitations of his data. The political differences with which he deals are surface indications, demarcations within a relatively slight possible range of variation. The subjects of the studies are "relatively unimportant in themselves". He is not concerned with questions of public administration or with any of the accounting aspects of government. Nor is he concerned with such problems as non-voting, methods of representation, the success of popular law-making and the operation of universal suffrage. He is rather concerned with "available evidence concerning those factors or 'forces' that give rise to political activity and that determine its form and direction". The materials which he uses are either official statistics published by governmental bodies or data collected from college students.

A listing of a few of the studies reported in this volume will give a little idea of its scope. The Lippmann concept of a stereotype is investigated by means of student identifications and ratings of photographs. The hypothesis that there is a "middle western culture area of political discontent" is investigated by an analysis of the La Follette vote in 1924 across state boundaries and within shopping areas. Spatial variations in political attitudes are studied by analyzing election returns by urban, village and open country districts. The book abounds with ingenious devices which could be fruitfully used in similar researches.

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The book is not presented as an exhaustive discussion of quantitative methods in politics. However, there are certain matters that might have been treated in a more thorough fashion. In his discussion of spatial variations in political attitudes, the author makes no use of maps nor does he mention the admirable work done in this field by Turner in this country and by A. Siegfried in France. In trying to ascertain the representative character of elected representatives he did not use the best available measures. The voting record of the representatives, as used by Arneson, or used in a more general fashion, would have been superior to the questionnaire which he employed. The study of sex as a factor of political division made no mention of the German statistics which are available on this subject. He does not describe fully and accurately the use that might be made of punch cards (p. 238). While he admits that his analysis of the figures for party turnover is tentative, there are some obvious interpretations of his data that he might have made. His studies of changes of attitude attributable to defined stimuli are too dependent upon introspective material as to whether or not changes have taken place. It is submitted that the method of random sampling might be used to obtain control groups for experiments in the measurement of attitude changes. It is also to be regretted that he did not use some of L. L. Thurstone's material on the measurement of attitudes instead of Allport's earlier article.

The book should be a stimulus to students of social problems who are looking for scientific methods of describing situations involving many individuals. Dr. Rice is to be commended for his careful painstaking work in a pioneer field.

HAROLD F. GOSNELL

UNIVERSITY OF CHICAGO

International Arbitration from Athens to Locarno. By JACKSON H. RALSTON. Stanford University, Stanford University Press, 1929.—xvi, 417 pp. $5.00.

Mr. Ralston, whose interest in arbitration and practical experience with it are well known, has now written a survey of the historical development of the use of arbitration. It is not the usual sketchy history, written for purely irenic purposes, but a solid and distinctly factual work, considering rather briefly theories and history, and more carefully principles, problems and cases. He regards it as an effort, in connection with his previous volume *The Law and Pro-*

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cedure of International Arbitration, to survey the whole problem of judicial settlement.

This volume is in five parts: General Principles of Judicial Settlement, Influences Working toward Judicial Settlement, History of Arbitral Tribunals, Hague Peace Conferences and Their Results, Permanent Court of International Justice. Appendices contain: A List of Arbitral Tribunals Functioning between Nations from 1794; The Convention for the Pacific Settlement of International Disputes (Second Hague Conference); the Statute and Rules of the Permanent Court; and a useful bibliography. It is as fully documented as the previous volume, with references to writers as well as cases.

It would be impossible to show, in such a review as this, the wide range covered by Mr. Ralston, and the innumerable problems which he considers. A few may be noted, by way of suggestion. He believes in a natural law, and thinks that the same universal principles govern between nations as between individuals. He doubts whether international law "should be treated otherwise than is the law governing disputes of an individual character. There is no special mystery which should surround it if we will forget the exaggerated claims of nationalism and sovereignty". Distinctions are made between amiable composition, mediation, arbitration and judicial settlement; and it is asserted that arbitration is judicial in character, with exceptions only where so ordered, or where the question was incapable of judicial determination, e. g., a boundary dispute. Chapter iii is devoted to justiciable questions. "There is no inherent quality attaching to political questions and forbidding reference to arbitration". He offers a definition: "A domestic question relates to the sovereignty of the state within its territorial limits and not involving illegal deprivation of a foreigner submitting to its laws of his rights of life, of liberty, or of duly acquired property". Domestic questions, he submits, are merely the "newest mode" in reservations; and "one day statesmen may learn that their nations can with healthfulness be exposed to the direct rays of the sun of the law, the better so when divested of the stifling protection of reservations".

There is much material of value to the practicing lawyer, respecting the *compromis*, jurisdiction, parties, pleadings, etc. The author finds that the legal systems of the world are not so different as to form an obstacle to international adjudication. He believes that sanctions depend upon moral condemnation rather than upon force; and it may be suggested in this connection that the sanctions of the

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League of Nations and those under the proposed Capper Resolution deserve some discussion.

Pacifists should study this work, in order to gain an understanding of the practical problems involved—such, for example, as the difficulties of arbitration as a method, discussed in chapter ii. Part II considers not merely such idealists as Dante and Crucé and Kant, but legislative expressions on the part of many states (a larger consideration of the effects of the attitude of our senate upon the growth of arbitration would have been helpful), the work of peace societies, and the efforts of Latin America. A number of interesting ancient arbitrations are described; three chapters are devoted to the arbitrations of the United States, one to those of other states, one to the Central American Court, and one to the Mixed Arbitral Tribunals since the War. A section is devoted to the Hague Conferences, and the Tribunal set up by them, and to International Commissions of Inquiry; and a final section to the new World Court. The reviewer would have preferred Fachiri to the other authorities cited upon the Court.

So broad a field must necessarily be covered in staccato fashion. Mr. Ralston, according to his custom, has done it in large part by direct quotation from sources or from excellent authorities. He is almost always strictly factual, and rarely led off into a discussion of motives. The work is a needed survey of useful material. It should be of interest to the practicing lawyer, to the idealist in the cause of peace, and to statesmen who have the interests of their states in mind.

CLYDE EAGLETON

WASHINGTON SQUARE COLLEGE,
NEW YORK UNIVERSITY

Russian Economic Development Since the Revolution. By MAURICE DOBB. New York, E. P. Dutton and Company, 1928. —xii, 415 pp. $5.00.

The output of books dealing with modern conditions in Russia has been so overwhelmingly large and their scientific value so very small that it is not without a feeling of apprehension that one opens a new volume devoted to the Soviet experiment. Mr. Dobb's book, fortunately for the readers, has nothing in common with the superficial generalizations of casual visitors to the proletarian state. It will probably be no exaggeration to say that it is by far the most

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valuable contribution on the subject which has so far appeared in the English language. Mr. Dobb is primarily a scholar and his interest in problems of economic theory leads him into a penetrating analysis of the economic phenomena of the Soviet state. But he is also a keen observer who does not neglect the various manifestations of everyday life. Under the able pen of Mr. Dobb the extravaganzas of the Soviet economic policy appear in their natural setting and acquire a kind of internal logic.

After an interesting sketch of the economic background of the Soviet state, Mr. Dobb proceeds to show the evolution of Soviet economic policy from 1918 to 1926. The chaos of the first eight months of the Bolshevik Revolution and the resulting economic decline taught the responsible leaders of the Communist Party that a system of "war communism" could not be carried on indefinitely. This principle was not recognized without a struggle within the party itself. But the break between the town and the village was so complete and the danger of open rebellion and actual starvation so serious, that the government had to follow, not without regret, the New Economic Policy forced upon it by Lenin. This was a turning-point in the history of Soviet Russia. "Nevertheless," says Mr. Dobb, "the New Economic Policy was only new in so far as it represented a return to peace after three years of war" (p. 165), that is peace between the Communist Party and the rural community. The improvement in the economic situation which took place in the following years was striking. A detailed account is given by Mr. Dobb of the various transformations through which the Soviet industry passed and of the immense difficulties it had to overcome.

The volume is not entirely free from minor defects, such for instance as the author's unfortunate attachment to the use of Russian words the meaning of which is left to the imagination of the reader. Some of them can be readily translated into English as, for example, the word *peevnaya* (beer-house) or *droshky* (hackney-cab), while others like *smychka* (united front, coöperation) have no exact English equivalent. But even an inadequate translation of a term would seem to be better than the use of the Russian word which few of the readers will be able to comprehend.

Mr. Dobb's conclusions are in keeping with the objective and impartial tone of his book. It may be permissible, however, to disagree with him when he maintains that "the Russian régime of centrally planned production combined with the policy of steady cheapening of price has apparently achieved an important advantage both

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over private monopoly and *laissez-faire*" (p. 382). The correctness of this conclusion still remains to be tested.

Much more convincing is his conclusion as to the immense importance of the "new social equality which undoubtedly exists in Russia" and which "is something more fundamental than the measure of social equality which, in contrast to Europe, is said to exist in the New World. In Russia it is not mixed with an individualist desire to prosper and to climb a social ladder of which the rungs are income-grades. It is divorced from a worship and evaluation of success in money terms and from the deference to the man who has won a financial position above his fellows and shows it in his habits, and dress, and bearing" (p. 374).

The general impression which one gets from reading the book is that the Soviet government has displayed much greater ability in adapting itself to a hostile environment and changing conditions than it is usually credited with; and that it has behind it a "new spirit of creation . . . . broad, elemental, and crude and strong". One has the feeling that for good or evil the Soviet government has come to stay. And this is a conclusion of importance which no one can afford to overlook.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

Civic Training in Soviet Russia. By SAMUEL N. HARPER. Chicago, University of Chicago Press, 1929.—xvii, 401 pp. $3.00.

Civic education is the general subject of a series of eleven volumes under the editorial direction of Professor Charles E. Merriam of the University of Chicago, of which series Mr. Harper's study is one.

In contrast with many books about Russia which one reads with the feeling that they are the product either of an exuberant enthusiasm or of an unalterable prejudice coloring an all too brief observation of selected phenomena, Mr. Harper's volume is read with a distinct feeling of confidence in the reliability of its materials and in the impartiality and the competence of the writer. Mr. Harper has known Russia intimately for many years. Prior to the Revolution he lived in Russia for an extended period. Since the Revolution he has made a number of visits, the latest one of three months during the year 1926.

The book is almost competely descriptive and such criticism as is offered is largely criticism by the directors of affairs in Russia

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of the working of their own plans. Mr. Harper does not attempt to make a case for or against any procedure, but gives simply a very detailed account of all those activities which are calculated to have a bearing upon the preparation of the people of Russia for citizenship in the Soviet Union.

The privilege of citizenship in Russia belongs only to those persons who are definite factors in the processes of production, or are "organizationists", "collectivists" and "revolutionary activists". Those who fail to qualify in any one of these four characteristics are excluded from citizenship. Moreover, inasmuch as the activities of citizens are directly and avowedly under communist direction, the influential exercise of citizenship involves membership in "the party", and the education necessary for admission to the party forms a graduate course in citizenship.

"Political grammar" is the subject of study which most occupies the people of Russia at the present moment. Children enrolled in the "pioneers", youth enrolled in the "*Komsomol*", and the members of "the party" are all active in the study of citizenship and in the organization of its teaching to others. All education in Russia proposes to be active, involving at all levels a carrying over into conduct of whatever is learned, a learning through activity. In political education this is particularly insisted upon. Membership in the party and in its junior divisions carries with it the obligation to be active in some form of civic service and to achieve positions of leadership in all organizations, including those in which the party members find themselves in a distinct minority.

Civic training in Soviet Russia is in sharp contrast with that offered in other countries by reason of the almost total absence of any effort to develop patriotism upon national lines. The Soviet Union, made up as it is of a very large number of autonomous nationalities, would find a development of narrow nationalism in these various groups a divisive and perhaps a disastrous phenomenon. Instead, however, of attempting to minimize local nationalism by substituting an all-Russian patriotism, civic education strives to develop a loyalty to the communist social order on a world-wide basis as the emotional equivalent for patriotic sentiments which form a part in civic training elsewhere.

The group which so far has entered least into civic life in Russia, whose non-participation is an admitted danger, and whose active inclusion in the civic body is earnestly desired, is the peasant group. The Soviet government is a "government of workmen and peasants".

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This combination, however, is not a union of equals. The workingmen are the dominant group, but they are sure that the active support of at least the poor peasants is indispensable if this domination of the proletariat is to be successfully maintained. Eagerness to win over this peasant group has caused a movement for the admission of "middle peasants" to positions of influence with a rapidity which some Communist leaders believe represents a compromise with bourgeois principles; and a real crisis of leadership has been brought about because of disagreement over the rapidity with which even the tremendous machinery for civic education, which is actually in operation in the Soviet Union, can be expected to prepare persons for citizenship in that peculiar type of state which is Soviet Russia.

Public schools, and there are no others in Russia, play a significant but not a major part in civic education. After a phenomenal increase in number up to the year 1921, the number of schools in Russia fell below the pre-war level, and not until 1926 were as many children again enrolled in the elementary schools as had been enrolled before the War. Moreover, only three per cent of all the teachers in the schools are party members. The schools are not altogether trusted to give sound civic instruction, even with their work in this field carefully prescribed from Moscow and with pupils who are members of the "pioneers" and the "*Komsomol*" performing their civic duty by active organization of their fellow-pupils on communist lines. Through reading circles and newspapers, including the many "wall newspapers", through the cinema and the theatre, through trade unions, and through organizations of women, all of which are abundantly supplied with reading materials from the central organizations charged with the responsibility for civic education, training in citizenship is urged upon the Russian from every side. Mr. Harper reports on the part of non-party members signs of weariness of this too-continuous effort to make citizenship overshadow every other relation. The party leaders are not a little concerned with the fact that as a generation comes on which has never known capitalism and bureaucracy as they existed under the old order in Russia, the revolutionary spirit will die and civic interest will diminish in the absence of the revolutionary stimulus. It is for this reason that the international aspect of communism, with the whole capitalistic world pictured as arrayed against Russia, is so much emphasized in connection with civic education.

Since civic education is so large a part of all education in Russia, Mr. Harper's book represents one of the most valuable documents

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yet produced on education in general in the Soviet Union. Significant statistics are given without the book's being burdened with terrifying tables. An extended bibliography is appended which will be valuable to readers wishing to go more deeply into the problems of Russia.

LESTER M. WILSON

TEACHERS COLLEGE,
COLUMBIA UNIVERSITY

Russian Schools and Universities in the World War. By PAUL N. IGNATIEV, DIMITRY M. ODINETZ and PAUL J. NOVGOROTSEV. Published for the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1929.—xxv, 239 pp. $2.75.

This volume is one in the Russian Series which forms a part of the *Economic and Social History of the World War* of which Professor James T. Shotwell is the general editor. It serves an exceedingly useful purpose in that it gives a detailed and apparently authentic picture of educational conditions in Russia between the Revolution of 1905 and that of 1917. It is a story of thwarted efforts in the direction of adequate popular education. The Duma during these crucial years gave its support to the provincial authorities who were not only eager for schools but ready to find the money for their establishment and maintenance. The imperial government, having placed its educational policy in the hands of a man altogether unsympathetic to popular education, completely failed to meet these aspirations and to fulfill the promises of 1905. Only after the World War was under way was a minister of education named who was sufficiently progressive in his educational ideas and who had sufficient force of character to inaugurate a real program of popular education, coöperating with the Duma and with the provincial governments in the establishment of primary schools and of teacher-training institutions. In no small part the book is an account of intentions in respect to education under the imperial government. That the accomplishment was by no means inconsiderable, however, is indicated by the fact that not until 1926 did the enrollment in primary schools reach a number which equaled the enrollment in 1917.

The activities of secondary school pupils and university students during the first years of the World War; the submergence of revo-

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lutionary enthusiasm, which had always found a center there, in a patriotic enthusiasm for the successful carrying on of the war; the disappearance of this enthusiasm in the face of government incompetency; and the consequent readiness of the student class to participate in the Revolution form an illuminating picture in miniature of the progress of the Revolution in Russia as a whole. The student group in Russia was ever associated with revolutionary thinking, which accounts in no small part for imperial disinclination to give to Russia an adequate school system. Students played a large part in the Revolution of 1905 which finally gave to Russia its first representative institutions. Naturally in the new revolutionary uprising in 1917 student leadership was of no small importance, and, as was to be expected, that leadership threw its influence to the extreme left.

Events of 1917 resulted in almost complete suspension of such educational activities as had existed prior to that time. It is scarcely fair to say, however, that the government of the Soviet Union found itself compelled to create a system of education where none had existed. In spite of the almost complete break with the past made by the Revolution of 1917 there is a continuity of academic history in Russia. In this volume the three authors give a picture of the beginnings of popular education from participation in whose further development they have been excluded by exile from the country, with whose present social ideology they may be in serious disagreement, but in whose success they have a sympathetic interest.

LESTER M. WILSON

TEACHERS COLLEGE,
COLUMBIA UNIVERSITY

Leopold of the Belgians. By COMTE LOUIS DE LICHTERVELDE. Translated by Thomas H. Reed and H. Russell Reed. New York, The Century Company, 1929.—xi, 366 pp. $4.00.

This volume is an apology for monarchy as it exists in Belgium. Its purpose is to "establish in the eyes of the Belgians, first of all, the title to glory of this great King whose genius has been recognized at last, twenty years after his death, and to express the immortal gratitude which Belgium owes him for the creation of the rich Congo Colony" (p. vi). In the effort to achieve his purpose the author calls attention to the weakness of Parliament, and the part taken by the king in administration. The art of the controversialist is

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clearly evident. The motives of those who opposed the king are questioned while the action of the monarch is always given a most favorable interpretation. The harsh phases of the familiar picture, softened into indefiniteness, melt into an azure background of Leopold's good intentions. In cases where the facts are notorious, mistakes by the king are admitted but invariably condoned on the ground of mitigating circumstances or blind patriotism.

The monarchy is traced from its beginning to the end of the reign of Leopold II. If one reads with the author's purpose and the elementary facts in mind, the familiar outlines of the generally accepted opinion of the king are dimmed but little in these pages. It is admitted that the first Leopold had misgivings regarding the Prince (p. 17). If we judge from the portrait here given, presumably the most favorable that modern research can reveal, the forebodings were amply justified. As Duc de Brabant he was habitually indiscreet (p. 22). As king, he continually urged inacceptable measures upon his ministers (p. 175). When he was unable to procure legislation which he desired or to commit the country to policies opposed by the people and Parliament he became irritated, and, later in life, he displayed an inclination to withdraw from participation in domestic legislation. As his interest in domestic politics waned, he employed his energies in broader fields. He initiated many diplomatic conversations at foreign capitals and had a hand in numerous international intrigues. He had little respect for his subjects (p. 336), but proclaimed a passionate love for the country. His continued insistence upon preparedness, and his famous phrase, "the lion of Flanders must not sleep" (p. 258), gave interested nations reason to fear that Belgium had entered into military alliances against them.

The author did not make use of the vast material available but confined himself to a few well-known Belgian works and a selected portion of a wealth of original documents. This is particularly unfortunate when he deals with the Congo Free State. The founding of the "International Association to repress the slave trade and open up Central Africa" is described as the result of farsighted altruism, and, by a splendid stretch of the author's imagination, as a part of a plan formed in the king's mind during his youth. The work of the Association is touched upon, but no light is thrown upon the procedure whereby Leopold procured control and reduced it to a personal enterprise. The Berlin Conference is described as a contest between the forces of justice, directed by the Belgian monarch,

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and the legions of avarice supported by the other countries. This does not conform to the facts. The influence exerted at the conference by Leopold was slight and confined to efforts to embroil other nations. After the Conference at Berlin the Congo is treated as a domestic issue with the king endeavoring to confer a great benefit upon a wilfully unwilling nation.

The author does not seem to realize that this was an international question; and when reports regarding oppression of the natives got abroad, Belgium, in the eyes of the world, was responsible. The king was quick to take advantage of the situation. Adroitly he managed by promising to make the country his heir to induce Parliament to extend a loan. With the kingdom morally pledged, the government of the Congo Free State redoubled its exploitation of the hapless region. The systematic reduction of the natives to slavery brought protests from foreign chancelleries and the king was forced to call a conference at Brussels in 1890. Here, under the leadership of Great Britain, the Free State was forced to agree to suppress slavery and to restrict the sale of arms, ammunition and spirituous liquors. These engagements were not kept and in 1898 another international gathering revised and strengthened the previous prohibitions. Nothwithstanding the international interest in the Congo, its sovereign continued to exploit its natural resources for his personal benefit. Conditions were so bad by 1906 that foreign nations determined to insist upon reforms, and the Belgian Parliament took up the subject in an effort to protect the nation's good name. The king did his utmost to maintain his personal sovereignty. But the insistence of Secretary Root and Sir Edward Grey for speedy and effective amelioration of conditions led to annexation. The United States and Great Britain forced the issue and prescribed the terms upon which the annexation should take place. Nor was their action based upon the agitation of Sir Roger Casement and Ed. Morel, instigators of Anglo-Saxon opposition to the king, as the author charges (p. 232), but upon authentic reports of responsible officials. In the case of America, the information came for the most part, from the consul general at Boma. The omission of these vital facts is fatal to the development of the general thesis. The author fails to convince one that Leopold II was a great king or that his country owes him a debt of "immortal gratitude" for the creation of the colony.

R. L. JONES

UNIVERSITY OF PITTSBURGH

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China, Yesterday and Today. By EDWARD THOMAS WILLIAMS. Fourth edition, revised. New York, Thomas Y. Crowell Company, 1929.—xxiv, 743 pp. $3.75.

Two and three generations ago one work stood out above all others as a standard of reference concerning China. No prospective traveler to that then distant bourne went without being armed with the two heavy tomes of S. Wells Williams: *The Middle Kingdom.* In some respects this work is still indispensable, for the Yale professor was a good scholar, a keen observer, and had passed through a series of experiences which still stand as among the most interesting of any American who has served in China.

But for many years there was urgently needed a more up-to-date volume to take its place. This need the work under review has most adequately filled. When first published in 1923 it included statistical, social and historical information taken from the latest year books, monographs and journals, and from the author's own large store of information. Since that date *China, Yesterday and Today* has run through three more editions, and has been "revised to December, 1928". Not only that: two new chapters have been added, on literature and art, in order to embrace more completely the wide field of Chinese civilization and culture.

It is not without interest to note the resemblance between the careers of the two authors, for more than to most there has been given to them the right to describe China for missionary and diplomat, traveler and general student. Both went to the East as missionaries, both served their country later in official capacities, and both returned to the homeland in the end to teach and to write. Edward Thomas Williams has only lately retired as Agassiz professor of Oriental languages and literature, University of California.

China, Yesterday and Today does not pretend to be a history, although its only contribution to our knowledge is the author's personal anecdotes of significant events of which he was an eyewitness, or in which he took a part. (One could but wish that he were more explicit in certain details, but doubtless the ex-diplomat has amenities to observe.) It does not pretend to be encyclopedic in any field, but it is extraordinary how nicely the balance has been maintained between China of the past and China of the present, and more important, between the Chinese of the peasant class and the Chinese of the literate and official group. So many books on China pretending to be general in their information have given but one

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side of the shield, and that often partially. Professor Williams knows his history and his literature too well, and has lived too long among both the citizenry of the village and the gentle and cultured families of the great cities. Hence we are given pen pictures of the farmer, the craftsman, the village republic, the guilds, the calendar and its festivals, as well as descriptions of the poetry and philosophy, porcelain and painting of the scholars and governing minority.

Accurate as the book is in most of its details, one general criticism holds: its references to ancient China are in many instances drawn from now discredited sources. During the seventeenth and part of the eighteenth centuries certain Chinese scholars did an enormous amount of textual criticism on their ancient books—a kind of testing and sifting comparable only to the work among Western scholars of recent decades on the Bible. In these latter days much of this literature (denounced by the Manchu emperor Ch'ien Lung, and almost buried by the contempt of the orthodox Confucianists and forgotten) has been unearthed, re-edited, and its results "re-proved" and again given to the world, not only by Chinese critics, but also by Japanese and Europeans, and one or two Americans. It is passing strange that a scholar of Williams' stature should not be aware of this literature.

Take this passage for example (p. 27): "The history of China discloses the fact that from the twenty-third century B. C. to the present time China has frequently suffered from flood and drought." The history of China tells us nothing of the sort. Our earliest written records do not go back to a period earlier than the twelfth or thirteenth centuries B. C., and these tell us nothing of a flood. The *Shu Ching*, from which this bit of "history" has been drawn, was probably written between the fifth and fourth centuries before our era, and has become a source which the best living Chinese scholars use only rarely, and then with apology and open doubt.

It is well then to beware of all dates before the time of Confucius (sixth century). Even the date for the commencement of the Chou dynasty, so generally used in textbooks and museums—1122 B. C.—has fallen into disrepute, and Henri Maspéro (whose great work, *La Chine Antique*, should be consulted by all interested in the early history of China) makes the rise of the house of Chou to dominance in the Yellow River valley begin about a hundred years later.

Likewise one should accept with caution the life stories of such

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great figures as Laotzu, Confucius and Bodhidharma. We do not know that a man by the name of Laotzu ever lived, though a book by that title certainly existed about the fourth century B. C.; and as for Bodhidharma, Dr. Hu Shih has recently demonstrated that he lived and died unknown, and that his name was only resurrected by the Ch'an school years after his death in order to give authority to that school's particular brand of Buddhist doctrine. The sources used by the author for Confucius are also open to question, for both the *Chia Yü* and the *Shih Chi* were written three or four centuries after the master taught.

The volume is well illustrated, and despite the indigestibility of some of its material has been written in a pleasing, even ingratiating, style, brightened as it quite often is by personal reminiscence. It is easily the best book today to read as an introduction to China. A few typographical errors keep it from being a perfect piece of printing—Heianfu for Hsianfu (p. 14); betwen (p. 636); Zücher for Zucker (p. 693).

L. C. GOODRICH

COLUMBIA UNIVERSITY

Foreign Rights and Interests in China. By WESTEL W. WILLOUGHBY. Revised edition. 2 vols. Baltimore, The Johns Hopkins Press, 1927.—xxxvi, xvii, 1153 pp. $12.00.

China and Her Political Entity. By SHUHSI HSÜ. New York, Oxford University Press, 1926.—xxiv, 438 pp. $2.00.

China and the Powers. By HENRY KITTREDGE NORTON. New York, The John Day Company, 1927.—xi, 264 pp. $4.00.

These three works differ widely in character. The first two are addressed primarily to the maker and student of Chinese policies; the last has the general reading public mainly in mind. The first is fundamentally a digest of international law and relations as revealed in the recent history of China. The second is an historical dissertation, matter-of-fact in style but imbued with a nationalist, even imperialist, spirit. The third is a clean-cut, vigorous, almost dashing, discussion of the current situation and problems of China. Each is a distinctly valuable contribution to the literature on twentieth-century China.

Those who are familiar with Professor Willoughby's scholarship will welcome this second edition of his work, which has been brought

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up to date largely by the incorporation of materials from two of his other recent works: *China at the Conference* and *Opium as an International Problem*. The systematic arrangement, partly chronological, partly topical, and the liberal incorporation of documentary materials will enable the student to acquaint himself easily and accurately with practically every topic in the field of Chinese international relations indicated by the title.

The scope of Dr. Hsü's book is indicated by the subtitle—"A Study of China's Foreign Relations with Reference to Korea, Manchuria, and Mongolia." It is written in a style clear and accurate but pedestrian and tedious. Suitable maps would have contributed greatly to the clarification of the narrative. Dr. Hsü unduly flatters his reader by assuming that he possesses an extraordinary amount of basic information on the topics treated. The leading works, both documentary and secondary, in Chinese as well as in western languages, have been utilized, notably *Die grosse Politik*. The author is apparently under the misapprehension that rigid adherence to official documents will guarantee the truthfulness of his narrative. His neglect to consider the interplay of the various forces, other than diplomatic, affecting both the Chinese and the other powers and the movement of opinion, both in China and abroad, unfortunately leaves the picture one in black and white rather than in color. The author's partisanship is not flagrant but it is not concealed. He is anti-Japanese, anti-German and anti-Russian. The note on page 247 is a remarkable critique of Count Witte. With reference to things Chinese, he clearly censures the Manchu Regency and the Anfu Party; he criticizes the reformers of 1898; he apparently disapproves of the Boxer Rebellion; he admires Li Hung-chang; he is charitable to Yuan Shih-kai; and he is sympathetic to the vice-regal administration of Manchuria by Hsü Shih-chang. He is bitter on the imposition of the Boxer indemnity; matter-of-fact about the Open Door policy; casual about the Lansing-Ishii agreement; surprisingly inadequate on the Washington Conference; and colorless on the Koo-Karakhan treaty of 1924 which is the latest topic treated. With regard to the policy of the United States, he clearly approves that of the Taft administration, but not that of the Wilson administration, and he wisely gives prominence to the remarkable discussion of American relations to China contained in Minister Calhoun's letter of February 12, 1912 (pp. 345-46). The principle contribution of Dr. Hsü's book is that it furnishes better than anything else yet available to the English reader the historical back-

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ground of the Manchurian situation. It may be supplemented by a newly published volume: C. Walter Young, *The International Relations of Manchuria: a Digest and Analysis of Treaties, Agreements, and Negotiations Concerning the Three Eastern Provinces of China* (University of Chicago Press). It will not be amiss to cite two other more recent contributions to Chinese diplomatic history: Philip Joseph, *Foreign Diplomacy in China, 1894-1900, a Study in Political and Economic Relations with China* (London, Allen and Unwin, 1928); and Ken Shen Weigh, *Russo-Chinese Diplomacy* (Shanghai, Commercial Press, 1928).

Legal training and practice, broadened by well-directed reading and extensive travel, have endowed Mr. Norton with powers of keen perception, penetrating analysis, balanced judgment and incisive expression. His present volume embodies his views based on several years' residence in the Far East as ripened in the discussions over which he presided as chairman of the conference on The Chinese Republic and the Powers in the Institute of Politics at Williamstown in 1926. In the first chapter and the last six he centers attention upon China; in the other five he considers foreign interests in China. Though the historical background is never neglected, his prime concern is with current problems and their immediate setting.

The United States commands his confidence and the Chinese his sympathies, but fundamentally Mr. Norton is a realist—he sees things as they are. Every paragraph testifies his mastery of the facts, the clarity of his thinking and his matured judgment. All this does not mean that Mr. Norton presents an agreed statement of facts nor that he has had the good fortune to arrive at a synthesis of conclusions which will command general assent. There are indeed few sentences in the book which will not challenge controversy. Only when considered as a whole does the book fully reveal its solid qualities, notably its admirably balanced character.

The fundamental thesis is that "China is a part of this world and this world is a part of China" (p. ix), that the problem of China cannot be solved upon the basis of isolation but only with due reference to the relations of the Great Powers, of whom China counts as one, in the affairs of Eastern Asia. These relations are, in the case of each and every nation, determined by their conception of their self-interest which will be pursued by policies which may change as circumstances alter. The first postulate (unfortunately not entirely invalidated by more recent events) is the instability of the republic "whose constitution and laws are mere scraps of paper,

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whose president is a shadow, whose legislature is a memory, and whose courts are a byword . . . In the space where the Chinese state should be, there is a political vacuum." China continues, however, to be a "recognized member of the family of nations" because each of the nations which tend to press into the vacuum asserts the existence of the Chinese state to keep the others out. Thus the Chinese problem has "ramifications leading to all of the great capitals of the world" (pp. 20-21).

Foreign rights, such as treaty ports, concessions, conventional tariff, and extraterritoriality, exist in China because of "the impossibility of applying there the ordinary procedure of international relations" (p. 22). Foreign powers have shown greater willingness to abrogate these rights than China has displayed readiness to establish the conditions indispensable to such action. There have been wrongs in the securing of these rights and in their exercise but still the rights are justifiable morally and in international law, for they are intended to afford such securities to foreigners in China as they would normally enjoy when similarly engaged in any country in the complete control of its own sovereignty.

Those who are accustomed to base their conclusions on sentiment rather than on facts will experience a succession of shudders in reading the chapter on the relations to China of England, "the champion of the Occident." They may, however, draw a sigh of relief when they discover the conclusion that Great Britain must pursue "the paths of diplomacy or, if she resorts to force, play her hand alone" (p. 72)—a prophecy which subsequent events have confirmed. The chapter entitled "The Russian Bear Ambles Eastward" is written with full appreciation of the motives which inspire Russian policy but with undisguised absence of sympathy for either its aims or its methods. Japan's existence almost seems staked on checkmating Russia. The lucid explanation (pp. 114-18) of Japan's consequent policy of railway development in Manchuria will furnish interesting information to all except those who follow most closely the Far Eastern situation. Japan's financial stake in China is second only to England's. Serious errors of Japan's Chinese policy are frankly exposed but the vital significance of its aims is sympathetically presented.

Toward China the fundamentals of American policy are maintenance of China's territorial integrity and the open door; with other powers in China the United States claims equal treatment and pursues a policy of coöperation. In view of these policies and

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of the absence of any territorial stake in Asia, the United States needs to consider only "the tremendous potential buying power of four hundred million people", and its missionary investment in China, which "has a grip on the imagination of American people far greater than many times the amount invested in business ventures could have". Politically, therefore, the United States can be disinterested in China, but economically and morally it is keenly concerned in the future of China. This combination makes it "the interested referee" which "has often had to champion China's cause against Europe—and China!" because of "the weakness and unreliability of China" (pp. 125-26). The United States "can try to hold the ring . . . while China fights out her battle with the enemies within" (p. 139) and is "in a position to call upon Great Britain and Japan for support . . . to restore China to the full status of a sovereign power". "It is the Chinese", however, "who must work out China's destiny" (pp. 144-45).

Mr. Norton finds that "the main cause of China's ills is not foreign domination, but the industrial revolution" (p. 182), and believes that the aid of foreign capital is essential to shorten the duration of the evils. The nature of the old Chinese economic system and the evils resulting from the advent of industrialism are analyzed with clarity and conciseness. Young China is shrewdly contrasted with Young Japan in its penchant for politics rather than for economics, and is admonished to turn from anti-foreign demonstrations to promotion of the national readjustment to the industrial revolution as the true path to future welfare.

The dictatorship or absolutism of some successful "strong man" may temporarily restore order in China and afford international security, but it would only "bring a respite rather than a reformation." Should the present situation result in a partition of China among successful chieftains, it would open the way to intervention and "an international struggle of the first magnitude" (pp. 222-23). "The conditions within the country demand something other than a dictator. The conditions outside demand even more insistently something other than partition. These two sets of conditions limit the operation of all constructive forces" (p. 225). Though he shows with relentless detail that "the present purposeless destructive agitation" by the student class or Young China "is merely stirring up international hatred" (p. 240), he anticipates that with growing maturity they will acquire broader vision and develop constructive policies, which will fit China to shoulder the respon-

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sibilities whose proper discharge is the necessary prerequisite to the termination of foreign privileges. He adds: "There has yet appeared no other force in China that has the power to save China and the world from a great tragedy" (p. 242).

The changes which have taken place in China since Mr. Norton wrote, significant as they are, have not materially modified his statements of fact or the validity of his conclusions. At this moment there are few books better fitted to give the reader a clear view of the Chinese situation, especially in its international aspects. It amply deserves a wider circle of readers, for Americans should be both more enlightened and more sympathetic with regard to China in its time of tribulation.

GEORGE MATTHEW DUTCHER
WESLEYAN UNIVERSITY

A History of Christian Missions in China. By K. S. LATOURETTE. New York, The Macmillan Company, 1929.—xii, 930 pp. $5.00.

It is strange that, in spite of the voluminous literature on missions and missionary endeavor, there has never been written a comprehensive, systematic and objective work on the subject. This, however, Professor Latourette has undertaken successfully for the Chinese field. Probably the reason why the gap has existed up to the present time is that people are either for or against the missionary enterprise, those who have written having been mainly ardent proponents of the work, with the result that all of the writing has tended to contribute to religious rather than to historical literature.

Professor Latourette avows frankly (p. vii) that he is committed to a firm belief in the missionary enterprise. This belief is not only avowed but also made clear to the reader of his volume, since it obviously underlies his entire treatment of his subject. Making the necessary slight allowance for this viewpoint, it must be recognized that the treatment is that of the historian rather than of the enthusiast for missions. While there is no criticism of the missionary enterprise itself, there is a constant criticism of the methods of the various mission bodies, and a clear recognition of the effects of the enterprise as a whole, and of specific methods employed, on the political, social and economic life of China.

Because of the multiplicity of the agencies attempting to carry the gospel to the Chinese it is apparent that much preliminary

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thought had to be given to the problem of organization of the extensive materials which must be incorporated in such a comprehensive survey. The solution found was to employ the chronological method, and then, within each period, to discuss separately particular phases of missionary activities. After a brief introduction, two chapters give the religious background of the Chinese and set forth the essential elements of Christianity. The latter seems to have been attempted in order to give a basis for estimating, from period to period, the extent to which the missionaries were successful in their work. Almost a fourth of the volume is given over to the pre-treaty period, when the Nestorians brought Christianity to China, and when the Roman Catholics laid the foundations for their subsequent extensive work. The author concludes that the life of China was totally unaffected by the existence of the Nestorian missions, and that the early Catholic missions had but little greater effect on the country. The Catholic work, he believes, had a greater effect on Europe than on China, by interesting Europeans in Chinese culture. "The missionaries had been largely responsible for initiating a cross-fertilization of cultures" (p. 198). The fertilization of Chinese culture with that of the Occident, however, has come since 1900, and has been more largely the work of Protestant than of Catholic missionaries.

The treatment of the period since 1842 constitutes the bulk of the volume. The method followed within each chronological division is to discuss separately first the Catholic and then the Protestant work, and in each case to survey the extension of work of the established bodies, to catalogue the new bodies entering the field, giving the places within China where they established themselves, to chronicle the persecutions in the various parts of China, and to survey the evangelistic, educational, publication and medical work done or established during the period.

As the narrative continues it is made clear that the Protestant missionaries interested themselves more extensively in non-evangelistic activities than did the Catholics, and that, consequently, they influenced the institutional life of China to a greater extent than the Catholics. On the other hand, partly as a result of their earlier establishment, the Catholics won a larger number of converts. Professor Latourette, however, refuses to credit the missionary with effecting the present breakdown in the structure of the older Chinese life: ". . . this transformation would have occurred had never a missionary set foot in the land. . . . What he did was to affect the

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quality of the transformation by bringing China into contact with the highest spiritual and moral forces of the West" (pp. 304-5).

There is no attempt made to minimize the consequences of the insertion of the "toleration" clauses in the treaties, nor to avoid discussion of such missionary methods as could lead only to misunderstanding with the literati and officials and to friction with the people. On the other hand, there is only an incidental attempt at explanation of the persecutions from the Chinese side. And there is no adequate examination of the influence of the mission boards on the policy of Western governments. This seems to have been regarded as falling outside the limits of the subject treated.

On the whole, however, a careful reading of the volume will serve to convince the reader that Dr. Latourette has not only made a most substantial contribution to the literature on China, but that the claim that his will be the authoritative work on Christian missions in China for the next twenty years is not an extravagant one.

HAROLD M. VINACKE

UNIVERSITY OF CINCINNATI

Cultural Change. By F. STUART CHAPIN. New York, The Century Company, 1928.—xix, 448 pp. $3.50.

This latest volume of the Century Social Science Series presents material and arguments of more than ordinary interest. Professor Chapin's book, in fact, may be regarded as a landmark in more than one respect. It signalizes the definite acclimatization of the concept of "culture" in sociological ideology; first, perhaps, among studies of its class, it considers the older concept of social evolution as definitely antiquated; it applies a set of new and more realistic concepts to ancient and modern society, in the full light of the historical record, rather than restricting itself to primitive data where historicity is at best a desideratum; finally, it brings a somewhat extended synthesis of the attempts to measure cultural change.

Coming to particulars, it may well be doubted whether Part I ("Perspective of Man's Past") which contributes nothing new, is really essential in this context. The massed array of historical material comes in Part II, which comprises a bird's-eye view of the civilizations of Greece, Rome and medieval England, the latter sketch dealing mainly with "material culture" in England up to and through the Industrial Revolution. These studies are excellently done; it is to be regretted, however, that the author did not

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see fit to utilize these valuable facts more systematically in his analysis of the concepts applicable to cultural change. When the reader meets on page 205 the statement, "perhaps sufficient evidence has been presented in the preceding chapters to illustrate the cyclical or rhythmical character of cultural change", he is somewhat nonplused. If of active intelligence, he might indeed make the applications for himself, but surely the author should have assisted him.

The real contribution of the book begins with Part III ("The Interpretation of Cultural Change"). After rejecting the older concept of cultural evolution as universal, strictly deterministic and differentiable into stages, the author remarks that "the most hopeful approach to the concept of cultural change would seem to be to regard the process as selectively accumulative in time, and cyclical or oscillatory in character" (p. 202). Neither of the two concepts is new, as the author is well aware. The cumulative nature of the cultural process has long been understood by anthropologists and others; whereas the cyclical character of the implied changes has not escaped the attention of numerous scholars such as Petrie, Kroeber, Spengler and, quite recently, Sorokin, who has dealt with the concept *in extenso,* both historically and analytically. Professor Chapin also notes that cultural change is not merely cumulative but selective, and that the concepts of cumulation and cyclical change must and can be reconciled. These two important points are argued with considerable skill and finality.

A warning is, perhaps, in place here to the effect that the significance of the cyclical concept should not be overestimated. All it says, after all, is that there is an up and down, increase and decrease, not really growth and decay (although this interpretation has been made by some, such as Spengler). The concept then, while valid as telling part of the story, is essentially superficial and, whether applied alone or in conjunction with the cumulation concept, surely fails to exhaust the content of cultural change.

An indirect recognition of the above by the author may be gathered from his statement: "When the cycles or periods of a number [majority?] of cultural forms of the first and second order are synchronous, we have the era of maturity of the cultural nation or group, in which these cultural traits are found" (p. 211). The author admits that there are here unsolved problems and difficulties. It can scarcely be doubted that some at least of these problems will be found to lie in the psychological domain. From the complexities involved in this approach, the book brings no relief.

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Chapter viii ("Is There A Societal Reaction Pattern?") is full of interest. On page 228 the conclusion is reached that the reaction pattern to change comprises three phases: (1) group enforces its mores; (2) group experiments; (3) group integrates its solution into a stable plan. This conclusion is further illumined on pages 383-84, where a most suggestive and significant parallelism is disclosed between the normal growth of an institution and the three phases of the societal reaction pattern.

The treatment of the cultural lag in the family (chapter x) is equally satisfactory. "But when all is said and done", remarks the author in conclusion, "about adjusting family attitudes and mores and the social environment to the permanent social values of the home, it is still necessary to attack our problems by adjusting the family mores to the *inevitable* changes in the social environment" (p. 328).

In Part IV ("Measurement of Cultural Changes"), the background and tendencies of the author as a statistical sociologist are most clearly reflected. This is also the part of the book which will, no doubt, prove most fertile of further research. This section contains *inter alia* a well-balanced discussion of the problem of the comparability of units which has given so much trouble to social scientists. Here also one finds such high spots as the striking similarity of diagram 35 (p. 360) giving the cyclical and cumulative frequency curves of the plow sulky, and diagram 39, which gives the corresponding curves for the commission form of government in cities (pp. 383-84). Whatever the limitations of the statistical and mathematical methods in social science—and they are great—results such as these are well calculated to show how far we may hope to go beyond our ideological forebears, the classical evolutionists, by adopting a more concrete and realistic approach to the problems of cultural change.

Returning to diagrams for a moment, the reviewer for one must register a protest against their abuse. Wherever increase or decrease in size or frequency is involved, graphs are useful and often illuminating; but as symbolic simplifications they are generally futile, and frequently misleading. This applies to figures 8, 9, 10 and 11, dealing with language, articulate speech, writing and tradition, and equally to figures 44 and 45, purporting to illustrate "Interaction and Social Groups" and "Secondary and Primary Groups of Interacting Individuals". Diagrams, when so used, are commonly more difficult to understand than the processes they symbolize; the

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alleged "concreteness", moreover, is illusory, for it lies wholly in the diagram and not at all in the process it symbolizes. Such a diagram, if not understood, is useless; if understood, misleading.

In conclusion, the reviewer would add that Professor Chapin's modesty, moderation, and workmanlike care are exemplary, and, together with the other merits of the book, help to make it a contribution of lasting value.

ALEXANDER GOLDENWEISER

WASHINGTON, D. C.

Black America. By SCOTT NEARING. New York, The Vanguard Press, 1929.—275 pp. $3.00.

Scott Nearing's book is an able portrayal of the position of the Negro in American society. The story begins with a brief account of the slave economy and a survey of the distribution of the Negro population on the eve of emancipation. The position of the Negro in American society today is conditioned by the fact that he was brought to this country as a slave. The Civil War gave him legal freedom but left him with the social stigma of his former status and with no economic resources with which to begin life under the new régime, save his ability to work.

A subject and exploited group under slavery, the Negroes have continued to be oppressed and exploited as freemen. The European empires hold "inferior" and subject races under their sway in Africa, Asia and the Indies. The American empire, according to Dr. Nearing, has its subject race within the limits of its own homeland.

Whether the Negro lives in the agricultural South and works as a share cropper and tenant farmer, politically disfranchised and denied the equal protection of property and life, or whether he has come North to participate in the economic rewards of its industries and in the larger cultural opportunities of its cities, he is still handicapped and exploited. The white man refuses to associate with him as an equal on or off the job. The Negro is obliged to live in segregated areas and pay higher rent than the white man for incomparably poorer accommodations. In the South the schools which his children attend receive at best half the support per child of the white schools. On the average they receive no more than a fifth or sixth, and in one state they receive only one-tenth. In industry the Negro gets the harder, the less pleasant, the less skilled, and the

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less remunerative jobs. Frequently, particularly in the southern or border towns, when the Negro does the same work as a white man his job is called by a different name and his rate of pay is lower. Sometimes the employer discriminates even more openly, paying the Negro less than the white man for the same job without even taking the trouble to invent different classifications.

> Every Negro in the United States—every member of the race irrespective of his qualities or talents—because he is black is swept ruthlessly into the category of racial inferiority and held there with all of the power of the superior, exploiting white race. Negroes in the United States are exploited and suppressed because they are Negroes. They are on the wrong side of the color line. Socially and economically they are forced to pay the penalty of belonging to a subject race (p. 154).

It is Dr. Nearing's thesis that this system of discrimination is maintained by the white ruling class not only to keep the Negro docile, but as part of the American capitalist technique of keeping labor in its place. The white workman, taught to regard himself as "superior", refuses to treat the Negro as a "brother worker". Frequently he refuses to work alongside of him, thus keeping him out of a job. Even more frequently he keeps him out of his trade union, again keeping him out of a job, denying him the protection of union conditions and forcing him to accept lower standards in non-union shops. When the white worker strikes, the white employer uses the Negro as a strike-breaker. The latter then gets work which was formerly denied him by the antagonism of white organized labor. Sometimes the Negro gets a real foothold in industry in this manner but usually he loses his job when the white striker returns to work. In short, says Dr. Nearing, the white ruling class employs blacks to crush the aspirations of the whites and then uses the whites to drive the blacks into a position of inferiority. American labor, white and black, cannot free itself from capitalist domination until it ceases to permit white capital to keep it divided along race lines. "White workers must make every effort to bring the Negro workers into trade unions, into cooperatives, into a working class political organization. There is no more vital task before the American workers today than that of establishing working class solidarity across race lines" (p. 226).

However laudable this ideal may be, the day when the white worker will accept the Negro as his equal, as his "brother", is far distant. The white workman seems to enjoy his "racial superiority"

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more than his "economic freedom". Most Negroes would undoubtedly agree with Dr. Nearing that emancipation of their race must come to a large extent through the white man, but the leaders to whom the Negro listens today say that this emancipation will come from the hands of Dr. Nearing's white ruling class, rather than from white labor. They say that it is the white employer who has supported Negro institutions and given the Negro worker an opportunity to work; that it is the white working class which mobs and lynches and the white ruling class which frowns upon the practice. The Negro politician in Chicago who said, "I believe that the interest of my people lies with the wealth of the nation and with the class of white people who control it", would probably attract a larger following than Dr. Nearing's plea for "working class solidarity across race lines".

It is an undeniable fact that in this year 1929 the American worker is not depending upon class-conscious organization to free him from the domination of the ruling class. On the contrary, he hopes one day to be part of that ruling class himself. If he will not be an employer himself, he will at least have his little pile and own his few shares of stock in those very corporations which "exploited" him. And he will always be "superior" to the Negro.

The Negro is in a somewhat different position. The line of advancement over which the white worker hopes to travel is not even theoretically open to him. "To be black", says Dr. Nearing, "is to be proletarian." Yet if the Negro cannot hope to become a big boss he has been listening attentively to those members of his race who tell him that his future lies in the development of Negro business enterprise. They point to a few successful retail stores, to a few petty banks and insurance companies and to owners of real estate and established professional men whose income comes from colored folks who work for white men. The dream of an independent black economy within white society suits the Negro better than a working-class movement which knows no color line. How such an "independent" economy is to be established within the white community which controls finance, basic industry and the state is something that the Negro leaders have not cared to face. Yet the Negro worker prefers this dream to Dr. Nearing's because his ideals are as "middle class" as those of the white workman.

STERLING D. SPERO

NEW YORK CITY

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Provincial Society, 1690-1763. By JAMES TRUSLOW ADAMS. Volume III of *A History of American Life*, edited by Arthur M. Schlesinger and Dixon Ryan Fox. New York, The Macmillan Company, 1927.—xvii, 374 pp. $4.00.

This richly stocked and interesting book has already met with a chorus of praise in which the present reviewer would join, but at the risk of sheer reiteration. In the existing state of the social history of the colonies—*Provincial Society* makes no claim to exhaust its subject—it seems desirable, rather, to indicate some of the gaps which Adams's followers must fill, and to raise certain questions of fact and of interpretation.

Adams has viewed colonial society broadly in all the scattered seaboard settlements and along their frontiers, and in a whole range of popular interests from advertising and agriculture to witchcraft, women and workhouses. He has seen that at first the colonists were more alike than in the eighteenth century they came to be. He has sought to describe and explain the development of class and sectional differences, and the emergence during the same time of a common pattern of American life and thought. In exposition he has followed an approved model: first, a brief cross-section of colonial society at the end of the seventeenth century; then a survey of social evolution through two periods of change, dividing at 1713; and finally a brief synopsis for the years 1745-1763. Apparently the book was begun upon a more ample scale than proved feasible, for more than half the volume is devoted to the period 1690-1713. Yet the motive forces of social change as Adams analyzes them—expansion of the frontiers and of trade, land speculation, the coming of new stocks, multiplication of contacts between colonists—were chiefy operative after the Peace of Utrecht. Between 1690 and 1713 only the effective introduction of negro slavery had worked any great transformation. Of the latter date Adams himself writes: "The time had come for a new integration of colonial life." Unfortunately in what remains the author's admirable method finds too brief a scope.

A master of synthesis, Adams levies upon a large number of special studies. (To be sure, his conclusions are often freshly his own; and in such excellent paragraphs as those upon land speculation, popular morality, libraries, and culture in the South as well as in New England, he makes real additions of fact as well as of ideas.) Occasionally there are unexpected omissions. It was due to a pio-

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neer in the study of colonial society who was more than an antiquarian to cite the articles which Edward Eggleston contributed to the *Century Magazine* in the 1880's. One looks in vain for mention of Turner's "The Old West", though Turner's ideas are notably present. In the bibliography diaries are meagrely listed; the existence of an invaluable guide, H. M. Forbes's *New England Diaries, 1602-1800* (1923), should be noted in a revision. Future students in this field—and the best tribute to Adams will be the growing company of these—will make large use of such materials, and at the other end of the scale, of manuscripts in the British archives, sampled by Eggleston but here almost untouched. Charles Warren's *History of the American Bar* (1911) would have fortified the account of the emergence of professional groups, and forestalled a too sweeping generalization upon the lack of educated lawyers in the North before the Revolution (p. 60).

Adams, indeed, has a flair for generalizations, often inspired, sometimes inadequately documented. His denial that the colonial clergy were "leaders of opinion in other than religious matters" (p. 315) reflects an unfortunate bias, and ignores conclusions which scholars had reached even before Miss Baldwin published her recent study.

Provincial Society incorporates admirable sketches of social classes, immigration, demography, architecture, science, the status of women, and of such significant movements as the Great Awakening. Its least satisfactory pages deal with colonial commerce, both sea-borne trade and the traffic with the Indians. The structure of trade, navigation and credit requires clearer analysis; nowhere is there a functional definition of the much-used term "colonial merchant". A few more pen portraits of typical merchants, like that of Manigault, would have served this purpose, and further illuminated the significant theme of the rise of moneyed men. There is no evidence that "by the beginning of the eighteenth century the 'Guinea trade' was already enriching the merchants of Boston, Newport and other places" (p. 103). Unless the shipping news in the *Boston News Letter* is altogether untrustworthy it began as a regular business from Newport and Boston about 1725. Had Mr. Adams consulted a completer file of the same journal for 1754 he would not have implied, as he seems to imply on pages 295-96 (see also page 227), that Boston had already yielded place as a port to New York as well as to Philadelphia. Or does he mean merely that Boston was slipping? The passage is confused; but in any event this method of sampling contemporary sources is dangerous

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in statistical matters. Had he taken 1750 for his comparison he would have discovered in forty-four issues of the *Boston News Letter* record of some 483 entries of vessels at the eastern port, while fifty-one issues of the *New York Evening Post* yield only 284 entries for New York. Certainly nothing less than three- or five-year averages should be used as a basis for such conclusions.

A poorer book would not call for such meticulous examination. A better book in this field can surely not be expected until many of the problems which this one raises have been further explored. And then we may hope that Mr. Adams will write it.

VERNER W. CRANE

BROWN UNIVERSITY

Lafayette in Virginia: Unpublished Letters. Historical Documents, Institut Français de Washington, Cahier II. Baltimore, The Johns Hopkins Press, 1928.—xi, 64 pp. $2.50.

L'Enfant and Washington. By ELIZABETH S. KITE. Historical Documents, Institut Français de Washington, Cahier III. Baltimore, The Johns Hopkins Press, 1928.—xi, 182 pp. $3.00.

It was one of the fortunate episodes of the American Revolution that at the crisis two young men came to our shores from France whose devotion and attachment to the cause of liberty made their names immortal in our history. One was an aristocrat and soldier, the other was an artist and military engineer: Lafayette, whose name will always be associated with the Virginia campaign and the victory at Yorktown; L'Enfant, who enlisted also in the war, and whose name will be remembered in connection with the founding of the city of Washington.

New light has been thrown upon Lafayette's career by the publication of a series of letters relating to the Virginia campaign. They are well edited and attractively published, and form a valuable addition to the history of the period. It has been the common tendency to underrate the military capacity of Lafayette and his preliminary work in the campaign of Yorktown. And surprise has been expressed that Washington selected him for so important a command as that in Virginia. But these letters bring out clearly his qualities as a general and how he maintained himself and detained the forces under Lord Cornwallis until the arrival of the French fleet and Washington at Yorktown. In all this campaign,

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Lafayette showed remarkable qualities of self-restraint, persistency and foresight in the face of the general apathy of the people of Virginia and the want of supplies and munitions for the war. Washington, in his correspondence at this period, commends Lafayette for his "prudence and good conduct" and for his "military genius and judgment".

The difficulties Lafayette had to face in the last two months of the campaign were such as to try the caliber of any general, and only Lafayette's good temper, disinterestedness and skill could have overcome these obstacles and kept his small army in the field. During the months of July and August he was forced to write again and again to Governor Jefferson, and later to Governor Nelson, beseeching letters asking for men, munitions, provisions and supplies. On July 1 he writes to Governor Jefferson: "Many, and many men are daily deserting—the times of a great many are daily expiring—no relief comes to them, and you might as well stop the floodtide as to stop militia whose times are out". He does not conceal from Jefferson the desperate state of affairs and urges more vigorous measures by the Executive. "I confidentially will confess with you that I am terrified at the consequences of a general defeat,—But should we be beat and should the loss of Virginia follow a defeat new obstacles will be raised against American independency" (p. 19). In spite of these discouragements, Lafayette managed by various expedients to hold his army together, but his anxiety increased and he dreaded that all his efforts might be in vain. As late as August 26 he writes to Governor Nelson:

> Indeed, Sir, unless vigorous measures are adopted, we will be involved deeper and deeper in ruin. Few men in the field; not a sixth part of what is called for,—a greater number without arms—the greatest part of whom live from day to day upon food that is injurious to their health—without six cartridges per man—and the poor continentals that will soon be our only dependence falling off for want of spirits and flour (p. 54).

Even after the arrival of the French fleet, he had to complain of the lack of provisions for the allied troops, but by much energy and vigorous measures, he was able to surmount this difficulty and thus to justify the expectation of Washington in his ability.

The series of published and unpublished documents of L'Enfant and Washington serve to restore L'Enfant's fame and to set in its true light his plan for the new city of Washington. His father,

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a celebrated painter, destined his son for the military life and educated him in the school of engineers from which he enlisted in the French colonial troops. Attracted by the struggle for liberty in America, he was one of the young engineers whom Beaumarchais sent over in 1777, and thus preceded Lafayette's arrival in America by one month. He served with distinction throughout the war and Washington commended him for his "zeal and active services".

At the close of the war he returned to France to visit his father, and on returning to America in 1784, he was associated with Houdon, the celebrated sculptor, who had come over from France to make a statue of Washington for the state of Virginia. During the next few years L'Enfant's talents won him public recognition and he was asked to remodel the old City Hall of New York City. This work was executed with such beauty and taste that crowds came to view this building which was considered at the time the most beautiful in America.

But the opportunity of his life came when Congress voted in 1790 to establish the capital of the country on the banks of the Potomac. L'Enfant at once wrote to Washington asking that he might be selected to superintend the work. His early association with America and his reputation as an engineer and artist commended him to Washington, who appointed him "to make a survey of the site of the federal city".

A perusal of these documents brings out very clearly the early enthusiasm of L'Enfant for his work, the great scale on which the plan was drawn, and the approval of Washington and Jefferson for his main idea and their sympathy with him in his work. Educated amid the glories of the cities of Versailles and Paris, he conceived the design of the city on a grand scale, and while he studied the plans of the great cities of Europe, yet he aimed, as he said, not to imitate them, but to make the new design worthy of the future of the new republic. Unfortunately personal interests and land speculations created obstacles, misunderstandings arose between L'Enfant and the commissioners with whom he had to work, and after an unsuccessful attempt at conciliation Washington was compelled reluctantly to instruct Jefferson to send him a letter of dismissal. Fortunately, his plan was carried out in its main outlines, and the city of Washington as it is today is largely his idea.

For a long time L'Enfant's grandiose plan was treated as a dream. Even in 1800 the halls of Congress were only partially built. But the day came when L'Enfant was to come into his own and men were

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to recognize the splendor of his idea and the possibility of its realization. A commission was appointed a century later, composed of artists and engineers "to do for the district of Columbia what L'Enfant had done for a portion of the area". "And after mature study", writes Mr. Moore, the chairman, "in the light of the finest examples the world has produced, this Commission reinstated the authority of the L'Enfant Plan and carried it to its logical conclusions in the new territory".

This volume is admirably edited and printed, with voluminous notes by Miss Kite on the contemporaneous history, and with an excellent monograph on L'Enfant's life written by J. J. Jusserand, former ambassador from France to the United States.

JOHN S. PENMAN

CAMBRIDGE, MASSACHUSETTS

Canada and World Politics. By PERCY E. CORBETT and H. A. SMITH. Toronto, The Macmillan Company of Canada, 1928.—xvi, 244 pp. $3.00.

Among the multitude of volumes written upon the British Commonwealth since the War, some half-dozen fall within Bacon's third category of books to be chewed and digested. This is one of them. Both authors are thoroughly fitted for their task. The one, after a remarkable academic career at McGill and Oxford Universities, spent some years on the legal staff of the League of Nations and is now dean of the law faculty of McGill University. The other, late professor of constitutional law in McGill and now professor of international law in the University of London, is already favorably known to American political scientists through his *Federalism in North America.* Their present study is not, as its title might imply, a discussion of Canadian foreign policies, or a survey of the foreign relations of Canada. It answers the more immediate need of a succinct, readable analysis of the legal position of the British Dominions in relation to world politics.

To write upon as thorny a subject as Britannic relationships from the constitutional lawyer's standpoint, it is true, commits the authors to a position which is vehemently assailed in many quarters in the Commonwealth. The Nationalists' constitutional theory is essentially an attempt to vindicate a policy of isolation from world affairs. In view of their basic assumption that foreign dangers and obligations can arise only from the British connection, they magnify all

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recent changes in the direction of separate and independent Dominion status. In contrast, the constitutional lawyers imperturbably override their contentions. The latter certainly have the stronger case, in that they explain imperial relations as foreign states must take cognizance of them, while most of the Nationalist discussion purporting to deal with the international status of the Dominions in fact has to do solely with the conventions of the imperial constitution, and much of it seems to proceed on the assumption that what has been agreed upon within the Commonwealth automatically becomes part of the law of nations. However, despite the seeming definiteness with which the legal structure may be expounded, it masks a set of hardly compatible political relationships—relationships which provoke unexpected constitutional precedents, and are revealed in the nature and scope of treaties entered into by British nations notwithstanding the principles governing the conduct of negotiations.

While conceding that the *diplomatic* unity of the Commonwealth is largely gone, legal writers maintain that its *constitutional* unity persists and still determines the status of its members in relation to foreign nations. They base their contention on the ultimate responsibility and authority of the British government in Dominion concerns. As stated in the volume under discussion: "Plenipotentiaries are appointed and treaties ratified by the King on the authority of documents countersigned by the Secretary of State for Foreign Affairs in Great Britain. The powers of the King in this regard have not been delegated to the Governor-General." The writers hold (though less dogmatically than Professor Keith) that the foreign secretary's action in such cases is discretionary. If this be so, as he is politically responsible to the British Parliament, it necessarily implies the continued supremacy of that body over the Dominion governments, in flat contradiction of the principles enunciated in the Balfour memorandum of 1926. This is the crux of the constitutional controversy. Does the integrity of the Commonwealth as against foreign states depend on the maintenance of so offensive a paradox? Presumably the anomaly can be removed either by unqualified recognition of the constitutional convention that as far as the Dominions are involved the rôle of the secretary of state is purely ministerial (which is virtually true politically at present), or (as the writers note) by devolving the formal issuance of full powers and assent to ratification upon the governor-general. The latter would be more logical, but the former alternative seems the less disruptive of existing principles.

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An informing chapter is devoted to the much-debated implications for the Commonwealth of membership in the League of Nations. The difficulties are held to arise from attempts to confine post-war developments within traditional categories and conceptions of interstate relations. The various issues involved are examined *seriatim* in considerable detail. The complications inherent in the separate voice accorded each Dominion through distinct membership and voting power have been increased by the election of Canada to the League Council, which may imply a conflict between her duty as spokesman therein of the small nations and her loyalty to the Commonwealth. Yet the authors insist that the conditions of admission to League membership preclude such an interpretation of its obligations as would set one part of the empire against another: "The group signature and group description were notice to all the world that, in entering the League, they reserved their constitutional union and undertook no obligations the fulfilment of which would mean the break-up of the Empire."

Far from having surrendered this principle, the Commonwealth in the Imperial Conference of 1926 reasserted and extended it to all treaties entered into by its members:

> The present position, offering as it does, outside the League of Nations, only one set of machinery under unified control for the conduct of major international relations, imposes a composition of those interests within the family before international action is taken. The decision to appoint Canadian Ministers at Washington, Paris, and Tokyo does not mark the abandonment of this principle. The King employs henceforth two agents at these capitals, one of whom is in each case charged with business affecting His Dominion of Canada.

It is obvious from such contentions as the authors' that there is a serious discrepancy between valid legal principles and the actual political situation within the Commonwealth (although the latter, be it noted, is subject to exaggeration). The vital consideration is this, that while the interdependence imposed by the fact of constitutional unity may be ignored in day-to-day relationships, it is recognized and doubtless would be insisted on in a crisis by foreign powers.

The writers draw attention to several other points which have distinct importance in view of current controversy. The Canadian constitution makes no provision for the incurring of foreign obligations save as part of the British Empire. The federal government, however, is fully competent to discharge its international commitments, even to the invasion of what are normally provincial rights

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—impotence in the latter respect, incidentally, has more than once been urged to excuse failure adequately to apply the labor provisions of the Covenant. In commenting on the attitude of the government during the Near East crisis, the absence of legal justification for the doctrine that parliamentary sanction is prerequisite to Canadian action relating to participation in war is pointed out. The serious legal complications entailed by the government's refusal to associate Canada in the ratification of the Lausanne Treaty are also analyzed. The impracticability of the much-discussed "personal union" as a basis of imperial relationships is argued, and certainly the wide discrepancy between such a system and that existing at present is demonstrated. Especial mention should be made of the valuable appendices—the texts of the 1923 Conference resolution regarding negotiations, the report of 1926, the commission and other documents relating to the functions of the governor-general, the letters of credence of Messrs. Massey and Phillips, and an analysis of the strategic dependence of Canada upon the United States.

After reviewing various alternatives for the future, the authors reach this general conclusion:

> If no solution is to be found in any of the proposals for separation, for a personal union, or for federalism, then it would seem that the best thing that we can do is to retain the constitutional unity of the Empire substantially in its present form, merely improving the mechanism so as to eliminate friction and to secure the best practical results . . . The separatist policy calls upon us to denounce our principles in the very moment of their greatest triumph.

Regarding the future of the senior Dominion they maintain: "So far as Canada is concerned we are convinced that separation, and any policy which tends either in form or in substance towards separation, will be a disastrous error of judgment, the ultimate result of which would be to place Canada under the economic, military, and political control of the United States." In the reviewer's opinion, this volume together with Toynbee's more descriptive study, *The Conduct of British Empire Foreign Relations*, effectively meets the need of a brief yet inclusive presentation of the external aspect of Britannic relationships.

A. Gordon Dewey

Amherst College

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BOOK NOTES

"Back to the Constitution, back to the spirit of 1776"—this is the rallying cry of a vigorous plea by Mr. Thomas James Norton, entitled *Losing Liberty Judicially* (New York, The Macmillan Company, 1928; xiv, 252 pp. $2.50), in which he assails prohibition and "kindred laws" as a violation of that liberty which the Constitution proclaimed to the world. Liberty is limitation of power, and while other peoples developed a constitutional system to restrain the executive, it was left to the American people to devise, through the judiciary, a means to control the legislature, to see that it does not usurp the trust and authority committed to it by the people; and this "has been recognised by the best minds of the world as the chiefest contribution of genius to the promotion of Liberty". But the judicial departments, alike of the states and of the nation, have in certain crucial instances, and notably with respect to liquor laws, failed of their trust. Mr. Norton proceeds to examine these instances, beginning with *Mugler v. Kansas* and ending with certain decisions of the Supreme Court upholding the Eighteenth Amendment. In these instances, says Mr. Norton, the Supreme Court has constantly repeated the empty formula of liberty while denying the substance. He harks back to the doctrine of inalienable "natural rights" which inspired the Constitution. "If the competent man had a right to use the commonly accepted liquors for beverage purposes because in doing so he was working no harm to himself or to society, then the right was untouchable by government in the way of either partial or complete deprivation. The *use* of the right might be *regulated* for the general good—he could, for example, be denied saloons and other public drinking places—but the *right* to use the beverage is absolute 'against any government on earth'. Neither the beverage nor the right can be diluted." This is a good example of the author's mode of argument, though he also on occasion takes more technical ground, as in his argument that the Eighteenth Amendment was "unconstitutionally proposed" since Article V of the Constitution prescribes (in the interpretation of the author, but not of the Supreme Court) a vote of two-thirds of all the members and not merely of two-thirds of the quorum present. Unfortunately the logic of the doctrine of natural rights is a slippery

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one, and it needs to be restated for an age of vast organization and interdependence. The failure to perceive this fact, to see that the principles of Locke and Blackstone and even of Marshall cannot be lifted bodily to meet our present occasions, leaves the author vulnerable to effective counter-attacks at various points in his examination. This may be perceived with less prejudice in his attack on the "kindred laws", which range from the act of the State of Pennsylvania forbidding the manufacture and sale of oleomargarine to the Sheppard-Towner Act "for the Promotion and Hygiene of Maternity and Infancy". Mr. Norton does not see that there is a world of difference between the "liberties" interfered with in these two instances, that liberties are not isolated but often conflicting in our complex society, and that a doctrine of liberty which might well condemn the former of these cases might no less support the latter. When Mr. Norton speaks of liberty as limitation of power he thinks of power as always governmental power. He still thinks of liberty in Hobbesian terms as existing only "in the interstices of law". He does not perceive, as his references to child labor and other industrial laws reveal, that economic power can be as great an "interference with liberty", in any realistic sense of that term, as any legislative act, and that in this sphere law can enlarge no less than limit effective liberty. It is a pity that throughout his argument he confuses the conditions of economic liberty with those of moral or personal liberty. His footing among economic facts is precarious. We do not need to go beyond page two for an example, where he declares that the national railway system of Canada involves on the Canadian taxpayer "a burden of about $222 per capita", and that it is "an application of socialistic ideas borrowed by advanced thinkers of the West from the open-air philosophers of Trafalgar Square". Both statements are grossly misleading, and Mr. Norton has no doubt been deceived by interested propaganda. Everyone who is familiar with the situation knows that the railroads in question were taken over by an essentially conservative government as a last resort when the lines were hopelessly bankrupt and that the national system thus formed has been run in a businesslike manner and with very considerable success. It is indeed a pity that the author weakens his plea by antiquated notions of *laissez-faire*. For there is a sound core in his argument, and the voice of well-informed juristic protest is much needed in an age and country where actions in themselves innocent are made felonies and where dominating groups succeed in incorporating into laws alike their own morals and their own pre-

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judices. Against this form of tyranny the protest of the author is strong and telling.—R. M. MACIVER.

The aims of The World Today Bookshelf, "brevity, readibility, and breadth of vision", are admirably met by the *Economic History of the United States* (New York, The Macmillan Company, 1928; xiv, 301 pp. $1.50), by Harold Underwood Faulkner. The author had already written a larger manual of American economic history, which was counted as one of the best in the field. He has scaled this down in the present volume to about one-third of its former proportions, and has improved it in the process. Occasional omissions in the larger volume (for example, Kelly's contribution to modern methods of making steel) are rectified; distorted judgments (e. g. condition of labor in the first half of the nineteenth century) are modified; the facts that are retained make more impression because there are not so many of them. The presentation of some topics is so brief that to the critic it appears partial. For example, in discussion of the causes of the Revolution no reference is made to the effect on American psychology of the disappearance of the French menace in 1763. Some statements are open to question. It would be interesting to know the authority for the assertion that by the Erie Canal "the weary weeks of hard travel between the seaboard and Great Lakes was [sic] now reduced to four and one half days". A rapid computation shows that to realize this speed a rate of travel, from New York to Buffalo, of nearly five miles an hour, day and night, would be required. But slips of this kind are infrequent; the book in general is reliable as well as instructive and interesting. Good bibliographies afford guidance to the reader if he desires to extend his studies.—CLIVE DAY, Yale University.

The United States Government publishes more information and statistics regarding the nation's economic progress than any other government in the world. Difficulty has been experienced by many research workers and economists, however, in getting the greatest benefit from this vast source of information. In view of this the Special Libraries Association has inaugurated the listing of the various publications in book form. The *Descriptive List for Use in Acquiring and Discarding United States Government Periodical Mimeographed Statements,* compiled by the Bibliography Committee of the Financial Group of the Special Libraries Association (Providence, Special Libraries Association, 1929; 76 pp.) outlines the commercial, industrial and financial releases of a statistical nature issued by the various government bureaus, and includes primarily mimeo-

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graphed statements, press releases and preliminary reports of various kinds, issued at regular intervals of less than one year. They are listed alphabetically and indexed according to the individual issuing governmental bureaus. A subject index also is provided, to unravel the various departmental publications, and type of information covered in each publication. — F. STUART CHAPIN, Social Science Abstracts.

The English workers' education movement has given us another rather daring synthesis in the new volume—*The Economic Problems of Europe* (New York, The Macmillan Company, 1928; 218 pp. $3.50)—by M. Philips Price, which was written as the result of its author's classes on the economics of the Versailles Treaty and the Dawes Plan at the National Labour Colleges in 1925 and 1926. The volume is much more comprehensive than this fact or the title might seem to indicate, as it contains a rather detailed history of the conflicting capital exports of England, France, Germany, etc., in the pre-war period as well as a study of the "new industrial revolution" and the rôle of the United States in the years following the war. The book is remarkably easy to read for such material and this result has not been obtained at the expense of the documentation. There is a great deal of rather one-sided interpretation along the lines of economic determinism.—HARRY D. GIDEONSE, Rutgers University.

To those who have taken Auld and Long too seriously, Professor Max Sering's new contribution to the reparations literature—*Germany under the Dawes Plan* (London, P. S. King and Son, Ltd., 1929; ix, 251 pp. 10s. 6d.)—will serve as an effective antidote, although it is possible that the extremely bitter tone of his writing will close the minds of many of his readers to whatever he may have to say. This translation from the German is an appeal to the fairness of "economists of English-speaking countries" but the author reveals so much lack of objectivity in his initial chapter on the "Legal Foundations of the Dawes Scheme" that the average reader is likely to be placed on his guard for similar bias throughout the volume. Even if the 132 billions of 1921 were economically and perhaps even morally unjustifiable, the important figure to an economist in that decision of the Reparations Commission was the annual payment, which was comparable to that of the Dawes Plan as it was based only on the A and B bonds. Part II of Professor Sering's work, which is concerned with the long-term possibilities, is by far the most important to a reader who does not respond to his patriotic

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appeal. It is written in keen, incisive language and is at times brilliant in analysis. The "*Auseinandersetzung*" with the optimistic conclusions of Auld and Long (pp. 179, 207) is suggestive. Those who have basked in the optimism of experts with a deep interest in German bond issues will find ample food for thought here. Sering does not discuss the artificial stimulation of the normal flow of trade through the so-called assisted schemes, which are now beginning to play a large part in the final solution of the problem. — HARRY D. GIDEONSE, Rutgers University.

Sir Ernest Benn's *The Return to Laisser Faire* (New York, D. Appleton and Company, 1929; 221 pp. $2.00) is a sermon preached on a text from Adam Smith, a text which reads, "each man has a natural urge to better his own conditions." According to Sir Ernest future historians will discover that "Individualism" reappeared in the English vocabulary about the beginning of 1927, for in that year he and other "'political discontents' met on several occasions to discuss ways and means of dealing with the Collectivist mania then and now sweeping through human affairs. The problem was how to revive that sense of personal pride which threatened to desert the English character. . . ." *The Return to Laisser Faire* was written as part of the propaganda carried on by this group of Individualists. There is no question about the book's bias; one can only criticize the arguments which are presented in support of *laisser faire*. There is, of course, much that is attractive in Sir Ernest's reasoning; certainly it is a good social doctrine that people should believe in the "old truth, now almost forgotten, that we live by rendering service to others and that civilization can be maintained in no other way." However, much of the brief is unconvincing. Can unemployment be cured by the simple formula of service to others? Is all the present poverty in England due to heavy taxes? Will the interaction of individual interests settle the housing problem? Is the drift from private to public education an ominous drift? Is competition the blessing which it is described to be in chapter viii? "If the producer is under an obligation to serve and the market is free" will there be "no question at all of combines or trusts"? These and many other questions might be debated with the author of this glorification of the idea that "nothing shall be done", but he would have to present sounder documentation than that contained in his book if he were to convert the student of English nineteenth-century history to his point of view. Moreover, he would have to advance new information, which in the face of the results of the last general

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election might be difficult, if he were to convince his readers that "Individualism has returned to the English vocabulary."—SHEPARD B. CLOUGH, Columbia University.

In *The Evolution of Penology in Pennsylvania* (Indianapolis, Bobbs-Merrill Company, 1927; 414 pp. $5.00) Professor Harry Elmer Barnes has conceived the penological developments of Pennsylvania as being an integral part of the social and intellectual environment of their times, and also as being the expression of a process of scientific differentiation in the treatment of delinquents. Five subjects are treated with such a degree of mastery as to make this a valuable reference volume. First, the author describes the transition from the earliest criminal law and criminal procedure of the colonies and of provincial Pennsylvania from 1676 to 1682, which was founded upon an extensive array of capital crimes, a wide application of severe corporal punishment, and an almost total absence of imprisonment as a mode of punishment, to the original and humane criminal jurisprudence of the Quakers. This significant influence of the Quakers held sway in Pennsylvania from 1682 to 1718. To it must be credited perhaps the most important event in penal history, namely, the substitution of imprisonment for severe corporal and capital punishment and the combining of the prison and the workhouse. Second, a detailed history of the development and administration of the various penal institutions of Pennsylvania that have been of historical significance is presented. This includes a description of the conditions that gave rise from 1790 to 1829 to the establishment of the world's first great system of prison administration—the Pennsylvania System. Its influence in America and Europe, Pennsylvania's experience with it, and the causes for its decline and its displacement by the Auburn System are depicted. Third, a valuable description of Pennsylvania's unique experience with prison labor is included. Beginning as the originator of prison labor, this state has experimented with every innovation in prison labor and has yielded so completely to the demands of labor agitators that its prison industries were paralyzed for more than a score of years following the enactment of the Muehlbronner Law of 1897. Fourth, a descriptive historical statement with illustrations of the architecture of those penal institutions of Pennsylvania that have received so much attention in the literature relating to the evolution of American penology is included. In the latter part of the volume, the author discusses the more recent developments in Pennsylvania: indeterminate sentence and parole; classification of convicts; steril-

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ization and segregation of the abnormal; educational work in state penitentiaries. It is to be regretted that recent improvements in the treatment of the offender in Pennsylvania have not been treated as thoroughly as the early developments in penology. Professor Barnes' general conclusion is that Pennsylvania has long since ceased to be a pioneer in penological progress, but, with the exception of the industrial situation, penological theories and practices of Pennsylvania are not widely different from those of other states. The explanation for this backwardness when compared with expert penological knowledge of leaders in prison reform is to be found in the faulty information possessed by the general public regarding the causes of crime and the treatment of the criminal. Popular education in these matters is the author's final solution of the crime and prison problem.—A. F. KUHLMAN, University of Missouri.

Many books have been written on British West Indian history, but very few of them meet the tests of modern historical scholarship. Of late, however, some phases of the subject have been dealt with in a scientific spirit in monographs inspired by disinterested curiosity and based upon extensive research. The most recent of these is *The Fall of the Planter Class in the British Caribbean, 1763-1833* (New York and London, The Century Company, 1928; xiv, 520 pp. $5.00) by Professor Lowell Joseph Ragatz, an expansion of an unusually meritorious doctoral dissertation to which the American Historical Association awarded its Justin Winsor Prize in 1926. The author's acquaintance with the multifarious sources, primary and secondary, for the history of his subject would be evident even without his excellent critical bibliography, which should prove useful to students of any aspect of British West Indian history within the period covered by this investigation. As by-products of his study Professor Ragatz has already published *A Guide to the Official Correspondence of the Governors of the British West India Colonies with the Secretary of State, 1763-1833* and *A Check-List of House of Commons Sessional Papers Relating to the British West Indies and to the West Indian Slave Trade and Slavery, 1763-1834*, and has prepared a comprehensive and critical bibliography of British West Indian history from 1763 to 1834, which, though still unpublished, is accessible in type-written copies in the library of the George Washington University and in the office of the History Department of the University of Iowa. A thorough and objective study of the evidence has led the author to the opinion that the abolition of the slave trade and the emancipation of the slaves have been greatly

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over-weighted as factors in the economic decline of the British Caribbean colonies. He shows that the old plantation system in the British islands was already tottering when the ravaging of St. Domingo during the French Revolution delayed its collapse by creating a great demand in continental Europe for British colonial produce. When continental markets came to be supplied increasingly by newly-exploited foreign tropical possessions and British West Indian produce, especially sugar, lost its monopoly of the British market the doom of the British West Indian planters was sealed. Emancipation merely completed a downfall that was already impending. Even to summarize intelligibly all the causes of West Indian decline, as seen by the author, would extend this notice far beyond the space allotted to it. A notable feature of the book is a series of statistical charts relating mainly to British West Indian trade.—R. L. SCHUYLER.

Calhoun and the South Carolina Nullification Movement (Baltimore, The Johns Hopkins Press, 1928; vi, 199 pp. $2.00) by Frederic Bancroft, is distinctly disappointing to students acquainted with his earlier contributions on the subject of sectionalism in American history. Its ten chapters, phrased somewhat in the style of popular lectures, are apparently intended for readers unfamiliar with the important facts of the nullification controversy. Where new evidence is introduced it generally confirms the conclusions reached by David F. Houston and Chauncey S. Boucher in their scholarly monographs tracing South Carolina's attempt to nullify the protective tariff. In his interpretations the author clings to the traditional views of the Northern Whigs on all constitutional questions, though he reveals slight sympathy with the purposes of the protectionists as embodied in the tariff acts of 1828 and 1832. His disapproval of Calhoun is emphatic. He brushes aside the political philosophy of the South Carolinian in a cavalier manner which is not always convincing. In his concluding chapter, bearing the subtitle "What It All Meant", Mr. Bancroft finds that the nullifiers were (p. 172) "able, eloquent, energetic theorists, not constitutionalists, and had uncommon talents for agitation." He feels that "by patient and sober discussion they could undoubtedly have won much support from the North and thereby have succeeded in a constitutional manner beneficial to the whole nation. But that seemed too commonplace." In comparison with the other nullification leaders Calhoun was (p. 173) "more plausible, cautious and substantial but less oratorical and less audacious, except in theorizing." "What was

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most remarkable about his method (p. 174) was his marvelous skill in making artful generalizations and in glossing his sophistry with apparent frankness and an air of logic." Whether or not these conclusions are sound may be controversial, but one feels compelled to dissent when the author compares Calhoun, the sinister nullifier of 1832, with Calhoun, the ardent nationalist of 1812. Such a comparison assumes that the impetuous young "war-hawk" had formulated a political philosophy of nationalism as carefully calculated as were the theories of government which he later expounded in the "South Carolina Exposition and Protest." Certainly there is nothing in Mr. Bancroft's volume to warrant the dictum that after Calhoun (p. 174) "turned away from his early and well-balanced nationalism, he became both an unbalanced theorist and an obsessed dogmatist."—JOHN A. KROUT, Columbia University.

During the last two decades, and especially since the editing of the fundamental text on the subject, the *Arthaçastra* of Kautilya, at Mysore in 1909 (revised edition 1919; best translation, J. J. Meyer, *Das Arthaçastra des Kautilya, das altindische Buch vom Welt- und Staatsleben*, Leipzig, 1927), the study of the native systems of politics, diplomacy, etc., of India has received increasing and deserved attention. A welcome addition to the discussions of these matters is the second edition of *A History of Hindu Political Theories from the Earliest Times to the End of the Seventeenth Century* by Professor U. N. Ghoshal (New York, Oxford University Press, 1927; xvii, 257 pp. $4.50). The volume contains a thorough and dispassionate assemblage and comparison of the views on political theory expressed by all Indian sources of any note whatever from the Rig-Veda onward; the hypotheses advanced by modern scholars have been carefully considered and duly weighed; and account has been taken of parallels which have been drawn by Indian and European writers on the theory of the state. The subject is highly complex, for in India as elsewhere sharply antagonistic views were advanced and gained adherents. The book's title is, perhaps by the necessities of the case, somewhat wider than its real theme, which is the status, the rights, and the duties of the king. Like the Indo-Europeans generally (*cf.* O. Schrader, *Reallexikon der indogermanischen Altertumskunde*, 2d ed., Berlin, 1917-29, vol. I, pp. 613-23), the early Indians seem to have regarded the king as a leader or one of a line of leaders, originally chosen by the people and normally hereditary. The theory of divine right appears to be nowhere implied in the oldest texts; and it is noteworthy, though

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Professor Ghoshal does not observe it, that none of the Sanskrit terms for "king" has any religious connotation whatever, all meaning "ruler" (*rajan*), "lord of men" (*narapati*), "earth-protector" (*bhupala*) and the like. Somewhat later the view that the origin of the kingship is divine begins to emerge, partly, it may be, in consequence of the Indian tendency toward hyperbolic identification of lauded beings with divinities; partly, no doubt, because of the increasing importance of the king to a settled, but far from unendangered, people; partly, perhaps, as a result of influence from other peoples, as when, in the early centuries of our era, the Kushan dynasty of North India adopted the title *devaputra* ("god-son") in imitation of the Chinese "Son of Heaven". (The problem, it may be remarked, is practically the same as regards the theory of kingship in Iran.) From the theory of the nature of the kingship flow all the other theories of politics in India, including the non-religious (and sometimes non-moral, or even unmoral) attitude, generally speaking, of the entire political system; hence, too, seems to proceed the view that the king has bounden duties (including, of course, those of a religious and moral nature) toward his subjects, under penalty of disobedience or even rebellion and overthrow. —Louis H. Gray, Columbia University.

Towards Swaraj (Madras, M. K. Srinivasa Iyengar, Law Publisher, 1928; vi, 428 pp. Rs. 5.00) by S. K. Sarma is an exposition of a scheme of responsible government for India. Coming as it does in the wake of the political tension which the British Statutory Commission under Sir John Simon has caused, it demands a scrutinous reading. The first two chapters trace the functioning of the Minto-Morley reforms of 1909 and the Montague-Chelmsford reforms of 1918, both of which, the author maintains, failed because (p. 20) "their sponsors failed to take note of the surrounding circumstances which alone could make or mar them." And because similar circumstances are still in operation, he forecasts a like fate for any future venture, thereby alluding apparently to the possible recommendations of the Statutory Commission before the close of 1929. This prophetic pessimism is not perhaps wholly unfounded. Chapters iii and iv argue the need for self-government for India on the fundamental ground of its inevitability for (p. 65) "the moral and material up-building of the people themselves". Although the author submits that the "most outstanding question" to be solved in this connection is the "misunderstanding" between the Hindus and Moslems, his statement (p. 10) "that there are no more

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fundamental differences between the Moslem and the Hindu or the Brahmin and the non-Brahmin than there are between Capital and Labour or Socialism and Toryism in enlightened England" serves only to mask the facts under a false analogy. His fifth chapter is a surprise to students of Indian politics: unlike the plea for federalism advanced by the Nehru Report drafted by the Indian National Congress held in Calcutta in 1928, and subsequently endorsed at Lucknow by the All-Parties Conference in response to the challenge Lord Birkenhead threw out to the Indian politicians, Mr. Sarma advocates a unitary system, since a federal union finds itself often in a quandary, being distracted by "state, inter-state, and commonwealth problems"! His chapter on the "Relations with Native States" is humorous in parts, while it clearly takes stock of all the intricate issues involved in any new ordering of affairs. Chapters vii to xvii discuss ably such governmental problems as defense, finance, franchise and legislature, while the last chapter expresses faith in the doctrine of passive resistance enunciated by the "Sage of Sabarmathi" as a means to an end. On the whole the book is meritorious, although one cannot complacently concur in all its contentions.—C. JOSEPH CHACKO, New York City.

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